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(Official Report)

VOLUME VIII

1ST DAY

(16th March 1938)

OFFICIAL BUSINESS

EIGHTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



JAMMU .

Printed at The Ranbir Government Press—3-4-95—150.

1938.

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THE HON'BLE MR. JUSTICE K. L. KICHLU,
RAI BAHADUR.

Secretary:

PANDIT HIRANAND RAINA, B. SC., LL. B.

Assistant Secretary:

MR. MOHD. NASIR-UD-DIN KHAN, B. A., LL. B.

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JAMMU AND KASHMIR PRAJA SABHA

Wednesday, the *16th March 1938.* / *3rd Chet 1994.*

The Praja Sabha met in the Praja Sabha Chambers at Ajaibghar at Eleven of the Clock.

Mr. President (The Hon'ble Mr. Justice K L. Kitchlu) in the Chair.

Note.—The followjng gentlemen were sworn in :—

1. The Hon'ble Mr. K. L Kitchlu. (The oath was administered by the Hon'ble Prime Minister).

2. The Hon'ble Nawab Khusru Jung, C I. E (Hazur Minister).

3 The Hon'ble Sir Lal Gopal Mukerji Kt. (Law and Revenue Minister).

4 Khan Bahadur Raja Mohammed Afzal Khan (Revenue Commissoner).

6. Rai Bahadur Thakur Kartar Singh Ji.

7. Rai Bahadur Pandit Amar Nath Purbi.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kitchlu): Hon'ble members ! I am glad that I have an occasion to welcome you here. I welcome you and hope that this session will end smoothly.

PANDIT AMAR NATH KAK: I welcome you, Sir.

PANDIT RAM CHANDRA DOBEY: I support Pandit Amar Nath Kak.

NOTE.—(K. B. Raja Mohammed Afzal Khan replied questions on behalf of the Hon'ble Law and Revenue Minister and Pandit Ram Nath Sharma on behalf of the Hon'ble Home Minister.)

QUESTIONS AND ANSWERS.

1. WAZIR MOHAMMED KHAN : During the last session of the Praja Sabha the Hon'ble Revenue Minister Rai Bahadur Pandit Anant Ram had agreed to allot Rs. 6,000 for constructing Kuhls etc. etc in Astore and Bunji Illaqas. What are the reasons for not taking any action on it so far ?

KHAN BAHADUR RAJA MOHAMMED KHAN (On behalf of the Hon'ble Revenue Minister) : A reference has already been made to the Public Works Department for preparation of estimates. As soon as these are prepared, necessary action will be taken to provide for funds to meet the demand of local people.

WAZIR GANGA RAM: When will the estimates be ready?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (Revenue Commissoner): Estimates are being prepared. They will be ready by the time passes open and snow melts away.

2. WAZIR MOHAMMED KHAN: Is the Government aware that from very old times the Chowkidars of Tehsil Astore and Bunji have been doing much more work than the Levies and the Chaprasis? The Chowkidars submit weekly reports also. But inspite of this work they do not get any pay from the Government. Is the Jammu and Kashmir Government prepared to pay the Chowkidars of Bunji and Astore as its pays to the Chowkidars in the rest of the State?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister): No Chowkdara Cess is levied in Frontier hence Chowkidars are not paid. The matter will be duly considered, but it may be understood that the zamindars shall have to pay the Chowkidara Cess when the Government undertakes to pay the Chowkidars.

3. WAZIR MOHAMMED KHAN: (*a*) Do the Government know who was responsible for the agitation in Astore and what action has been taken against him?

(*b*) Will Government call for a list of those people who helped in suppressing the agitation?

RAI SAHIB PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister): (*a*) It is difficult to locate responsibility on individuals in the case of a large-scale agitation. As a warning for the future, His Highness' Government issued the following orders:—

(1) That notices be issued that those who create such mischief will be bound over under Section 107 Criminal Procedure Code.

(2) That if the villagers continue to agitate, they will be liable to have punitive police stationed at their villages.

(3) That no grants for repair or construction of Kuhls will be made to villages which take part in agitation.

(4) That a notice be issued that persons who take part in agitation and their near relatives will be debarred from Government service.

(5) That Government servants be warned that if detected in helping such agitation they will be summarily dismissed.

(6) That Safedposhes and Lamberdars be warned that if the agitation is not put down by them they will be removed from their posts and that those Lamberdars and Safedposhes who fail in their duty will be removed.

(*b*) Government have been informed that Raja Hussain Khan of Astore and Sadiq Ali, Gama Jemadar helped in suppressing the agitation and that Pandit Sham Sunder Lal, Tehsildar Bunji, handled the situation in a tactful way.

4. WAZIR MOHAMMED KHAN : Is it a fact that submissions have several times been made regarding Kuhl Luzang which is situated near Lous, Tehsil Astore and sometimes ago Sardar Mohammed Akbar Khan, Wazir Wazarat Gilgit constructed this Kuhl and arranged for the supply of water to the populated area ? Is it also a fact that now the local officers report that this Kuhl is unworkable because it is all a desert area ? If it is an unworkable Kuhl how did the Wazir, mentioned above, work this Kuhl ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister) : Possibilities of reviving this Kuhl are being explored, and a definite reply will be given later on after a final report in the matter is received from Public Works Department.

5. WAZIR MOHAMMED KHAN : Will Government please construct a road between Astore and Askardu so that the bridge at Lous which has been constructed at a cost of about seven thousand rupees may be useful.

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister) : An estimate can be prepared after making survey for the purpose of road construction. An estimate for survey is being called for from the Divisional Engineer and funds for the survey will be demanded.

6. WAZIR MOHAMMED KHAN : (*a*) Is it a fact that there are 35 Lambardars and five Safedposhes in Tehsil Astore and Bunji ?

(*b*) Is it also a fact that for want of a Zaildar in the Illaqa the work of the Government always suffers and the Government officers are put to a very great inconvenience ?

(*c*) If the reply to the above two parts be in the affirmative, are Government prepared to issue orders for appointing Zaildars in Tehsil Astore and Bunji ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister) : (*a*) There are forty-four Lambardars and six Safedposhes in Illaqa Astore and Bunji.

(*b*) No.

(*c*) Does not arise.

7. WAZIR MOHAMMED KHAN : (*a*) Do the Government know that ever since the fixation of license fee for small game at Rs. 50 the people of Astore and Bunji have not

taken out any license, because the people of this Tehsil are poor and cannot afford to pay Rs. 50 for game license ?

(*b*) Will Government reduce the license fee from Rs. 50 to Rs. 20.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister) : (*a*) The license fee of Rs. 50 is for shooting both big and small games. Prior to 1990 when fees for this license was Rs. 20 only one license was taken out each year. No license has been taken out since enhancement of fees.

(*b*) The answer is in the negative.

8. WAZIR MOHAMMED KHAN : Last year, in reply to a question about Government Quarters of Tehsil Bunji and Astore, it was stated that rent is now charged there. Will Government please state what amount has been received on account of rent of these Government Quarters from the date of the issue of orders to this effect ?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister) : An enquiry has been made and information will be supplied in due course.

9. KHAWAJA ALI MOHAMMED : Will Government please state : – (*a*) Since when is the present Wazir Wazarat of Jammu posted in Jammu ?

(*b*) Since when no Muslim Wazir Wazarat has been posted in Jammu ?

(*c*) If Government are prepared to appoint a Muslim Wazir Wazarat by transferring the present Wazir Wazarat as soon as his term of three years is over ? If not, why ?

(*d*) What are the educational qualifications of the present Wazir Wazarat of Jammu ?

(*e*) What is the total extent of his tours during the period he is posted at Jammu ?

(*f*) If it is a fact that he comes to the office at 12 o'clock and goes back at 2 p. m. ? And in summer he comes to the office at 10 o'clock and returns home at 12 noon ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behaf of the Hon'ble Revenue Minister): (*a*) Maghar 1991.

(*b*) 1st Maghar 1989.

(*c*) This will be kept in view when the present Wazir-i-Wazarat is transferred from Jammu.

(*d*) Holds a Diploma of the Atchison College, Lahore.

(*e*) One hundred and forty-seven days. It may be noted here that the present Wazir Jammu remained on leave for about a year during the period of his posting at Jammu.

(*f*) No.

10, KHAWAJA ALI MOHAMMED: Will Government please state as to what were the resolutions passed and submitted to the Government by the Working and Advisory Committee of the All Jammu and Kashmir Muslim Conference held in January 1938, and whether any action has been taken on those resolutions or not?

RAI BAHADUR PANDIT RAM CHAND KAK: (On behalf of the Hon'ble Prime minister): (*a*) The copy of resolutions submitted to the Government is the same as has been published in a number of newspapers.

(*b*) The reply is in the negative.

11. KHAWAJA ALI MOHAMMED: Is it a fact that Khawaja Akbar Dar, Khawaja Ghulam Mohi-ud-Din and Khawaja Sanaullah Shah, Zaildars and members of the Praja Sabha, were asked to tender their explanations for having voted against the Government and for participating in the walk-out during the last Praja Sabha Session? If so, why?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister): A copy of the Government order dated 23rd December 1937, which gives the answer to these questions is placed on the table.

ORDER.

The following Zaildars—

(1) Khawajr Akbar Dar of Pulwama,
(2) Khawaja Ghulam Hussain Malik of Kulgam,
(3) Khawaja Ghulam Mohi-ud-Din of Badgam,
(4) Khawaja Sanaullah Shah of Baramulla,

participated in the walk-out which was staged by the Muslim Conference Party in the last session of the Praja Sabha as a protest against the policy of the Government. The Governor of Kashmir called upon them to explain why, being Zaildars under Government, they took part in the walk-out. Khawaja Ghulam Mohi-ud-Din and Khawaja Sanaullah Shah promised the Governor that they would behave properly in future but Khawaja Akbar Dar and Khawaja Ghulam Hussain Malik informed him that they would consult their party in the Praja Sabha before giving a reply.

2. The Governor reports that these Praja Sabha Sads participated in a similar walk-out last year but the Government took no notice, on that occasion, of their conduct. The Governor further adds that some action is undoubtedly called for when Zaildars behave as they have done in the Praja Sabha, but recommends that in view of the indulgence shown by them in the past, their conduct may be condoned

this time also.

3. Zaildars are in receipt of remuneration from Government and are. within their Zails, an important part of the administrative machinery having the duty of assisting in the collection of revenue, reporting to the Tehsildar concerned all important occurrences within their Zails and helping the Magistracy and the Police in the investigation of crime and the maintenance of law and order. Any person holding office under Government, whether Zaildar or other, who joins any political party, whether in or out of the Praja Sabha, in any vote action or gesture against the Government or their policy become guilty of official misconduct and *prima facie* forfeits all claims to be continued in that office. In view, however, of the Goverpor's statement that Government took no action when these Zaildars participated in the walk-out on a previous occasion and this gave them an excuse for repeating such conduct, the Government decide to deal with them leniently on the present occasion. They accept the undertaking for correct behaviour in the future given by Khawaja Ghulam Mohi-ud Din and Khawaja Sana-ullah. Khawaja Akbar Dar and Khawaja Ghulam Hussain Malik have aggravated their official misconduct by telling the Governor that they would have to consult the political party with which they acted before giving a reply. They are, however, let off with a severe warning this time for the reasons already indicated.

4. The Government wish to make it clear that, while any person who is a member of the Praja Sabha is free to speak, vote and act in the Sabha as he likes, the interests of the administration imperatively demand that is he happened to hold an office under Government and speaks, votes or acts against the Government except in circumstances when the Government have specifically given him the discretion to do so, he should not be permitted to retain that office

(Sd.) N. GOPALASWAMI,

23rd December 1937.

PRIME MINISTER.

KHAWAJA ALI MOHAMMED: The reply may be read out?

Note.—The Chief Secretary read out the reply in English. While he was doing so, the Conference Party raised cries of "Shame" "Shame"

MR. M. A. BEG: They want to have the reply in Urdu.

RAI BAHADUR RAM CHAND KAK: I have been given permission to read it in English.

MR. M. A. BEG: Will Urdu translation be supplied to them in case they require it afterwards.

RAI BAHADUR PANDIT RAM CHAND KAK: Certainly, a translation can be given.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kitchlu): Has it been published in the Gazette?

RAI BAHADUR PANDIT RAM CHAND KAK: Yes Sir, but the Urdu translation can be supplied.

KHAWAJA GHULAM MOHAMMED SADIQ: It has not been published in Urdu.

MR. M. A. BEG: Has this warning or order been published in the Government Gazette?

RAI BAHADUR PANDIT RAM CHAND KAK: It has been published.

COLONEL ABDUR RAHMAN KHAN: We saw all the Gazettes, but could not find it anywhere.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR (Prime Minister): I may make it clear Sir, I am not quite sure if it was published in the Gazette but I have no objec- tion to have it published with a translation.

MR. M. A. BEG: I want to make it clear Sir, since the Chief Secretary said that it was published in the Gazette, we wanted to know whether it was really published or not?

RAI BAHADUR PANDIT RAM CHAND KAK: I was not quite sure about it but it will be published with a translation as the Hon'ble Prime Minister has given an assurance.

MIAN AHMED YAR: Cannot these Zaildars be members of the Assembly as Zaildars?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (Revenue Commissioner): No.

MIAN AHMED YAR: Is there any Rule in any parliament of the world or in the Indian Assembly, which precludes a Zaildar from being an elected member of the Assembly?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: Will the Leader of the Muslim Conference Party please say in English so that I may be able to understand him and make a reply?

MIAN AHMED YAR: Will the Hon'ble Prime Minister tell whether there is any precedent in relation to the parliamentry practice or any rules for the procedure or business of any Assembly in British India, according to which any member who holds his position as an elected member in a Legislative Body or happens to be a Zaildar, cannot take part in party politics.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI

AYYANGAR: I do not know about any specific rule but I know of precedents in British Indian Provinces where village officers have been elected to a Legislative Council; and when they did act against the Government policy they have been dealt with nuder the "Dis-qualification Rules".

MIAN AHMED YAR: Any particular instance please.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: I cannot give you any specific instance but I know that they have been relieved of their offices under such circumstances I am telling it to you from my knowledge.

MAJOR MIRZA ATTA MOHAMMED KHAN: Are the Lambardars and Zaildars paid by the Government or the public?

MR. M. A. BEG: Does the Governor's reply contain the very words of the order, referred to? In other words, is the wording of Governor's reply same as that of the order?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: I want notice for that.

MIAN AHMED YAR: Will Hon'ble the Prime Minister please tell in which particular Province in British India such orders have been passed.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: In the Province from which I have the honour to come.

MIAN AHMED YAR: In which year, Sir.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER: Under the Montago Chelmsford Constitution after 1920.

MR. M. A. BEG: Whether these Zaildars who are members of the Assembly are considered officials.

HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: They are officials.

MR M. A BEG: I will invite your attention to Section 2 of Regulation I of 1991 (read out Section 2 of the said Regulation).

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: They have been declared not to be officials of the Assembly undoubtedly.

MR. M. A. BEG: Point of order, it has been written in the order that no person who holds an office can join with a political party in or outside the Assembly. It is an encroachment, we think, Sir. In this House, that ruling of the President is final, and it is for the Chair to order one way or the other and not for the Government. Whether

the Hon'ble Prime Minister is competent to say that a member elected by people cannnot join any political party in the Sabha within the forewalls of the Chamber? So we want your definite ruling in this matter.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: There is only one point. If the contention is that an elected member is free to join any party the Government is not questioning that. We are not asking you, Sir, to expel him from the House for having acted against the Government views or policy. This is the intention of the order which has been read out. This relates to their own jurisdiction of service which they hold outside the House. As regards the President of the Assembly so far as the competency is concerned, I respecfully submit that the President has no jurisdiction outside the House.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kitchlu): The point will be decided later on.

The ruling is reserved.

12. With drawn

MIRZA MOHAMMED AFZAL BEG.: (*a*) Is Hon'ble the Home Minister aware of the fact that on account of absence of Middle Schools in Doru, Sair Kanully Gund and Bejbehara (Anantnag) the students have to undergo a lot of trouble ?

(*b*) Will the Hon'ble Home Minister sanction the opening of Middle Schools at these places in the begining of 1995.

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister): (*a*) There are already Lower Middle Schools at Doru and Bijbehara.

(*b*) From Baisakh 1995, the status of Bijbehara Lower Middle School will be raised to that of Upper Middle School. The cases of other schools will be taken up for consideration when their turn comes.

14. KHAWAJA ALI MOHAMMED : (*a*) Will Government please state since when the present Divisional Forest Officer (Mr. Nanda) has been posted at Anantnag ?

(*b*) Will Government transfer him, since he has been there for more than three years ?

KHAN BHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister) : (*a*) 6th Magh 1990.

(*b*) There are no rules restricting the period for which Divisional Forest Officers should remain in charge of a Division. Transfers are only made in the interests of Government on administrative grounds.

15. KHAWAJA ALI MOHAMMED : Is it a fact that in the

cow-protection movement of the Hindus, many students of the Bhimber High School participated in it ? So much so, that some of them were actually awarded punishment under the Criminal Procedure Code ; and that one of them was a scholarship-holder. And the Head Master in this connection, never made any report to his superiors. If not, why ?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister): An enquiry is being made regarding the allegations made in this question.

PANDIT RAM NATH SHARMA (Judicial Secretary) : The reply is not ready. Information has been called for and will be supplied when received.

16. KHAWAJA ALI MOHAMMED. : (*a*) Is it a fact that one Balak Ram a scholarship-holder, student of the 10th class, Bhimber High School, is in the same class for the last two years : Whereas, according to the rules and regulations of the Education Department, no student can continue receiving scholarship for the above mentioned period when he is in the same class ?

(*b*) If the statement made above were true, then will Government please state as to the action taken so far ?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister) : (*a*) Yes.

(*b*) Payment of scholarship to this student was stopped.

17. MIAN QURABAN AHMED: Will the Hon'ble Prime Minister please state :—(*a*) Are there any commands of His Highness the Maharaja Bahadur that transfer of the Governor of Jammu to Srinagar and *vice versa* should take place after every three years?

(*b*) If the reply be in the affirmative, will the Hon'ble Prime Minister please state since how long the present Governor Jammu Province has been working in the same Province ?

(*c*) If the duration has exceeded three years, are Government prepared to consider over the transfer of the Governors ? If they are prepared to consider, when ? If not, why not ?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister): (*a*) There are no such commands.

(*b*) Does not arise.
(*c*) Does not arise.

MIAN QURBAN AHMED: Are transfers made after three years?

RAI BAHADUR PANDIT RAM CHAND KAK: There are no such orders.

MIAN QURBAN AHMED: I want to know whether this is done.

RAI BAHADUR PANDIT RAM CHAND KAK: It is a matter of administrative convenience.

18. MIAN QURBAN AHMED: (*a*) Will the Hon'ble Home Minister please state whether to part (*c*) of my Q. D. No. 129 asked in the Srinagar session the reply was given in affirmative, and in reply to part (*e*) it was stated that enquiry had been made?

(*b*) Will the Hon'ble Minister also state in detail in which month the enquiry was made, who instituted the enquiry and who were the witnesses in it?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister): A departmental enquiry was made in February 1937 by the Senior Superintendent of Police, Jammu.

There were no witnesses in the enquiry because the Inspector was charged with definite facts which needed no proof.

MIAN QURBAN AHMED: Has the High Court ordered that an independent enquiry should be made and evidence recorded.

PANDIT RAM NATH SHARMA: No information is available; further enquiry will be made.

19. MIAN QURBAN AHMED: (*a*) Will the Hon'ble Finance Minister please place on the table a list showing there the total number of Senior Inspectors and Junior Inspectors who have been appointed as Inspectors of Income-Tax each District? A separate list may please be supplied in theHouse in this behalf.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister): Two Senior Inspectors. Five Junior Inspectors.

One Senior Inspector is posted at Srinagar. Another Senior Inspector is attached with Assistant Income Tax Officer Salary Jammu.

Two Junior Inspectors for Srinagar Mufassil.

Two Junior Inspectors for Jammu Mufassil.

One Junior Inspector attached with the Assistant Income Tax Officer Salary.

MIAN QURBAN AHMED: I could not understand as to who were these two gentlemen—whether Muslim or

Non-muslim? It may please be stated in detail.

PANDIT RAM NATH SHARMA: No distinction of seniority or juniority is made.

20. MIAN QURBAN AHMED: Will the Hon'ble Revenue Minister please state whether the Governor of Kashmir Province is a Muslim and the Assistant Governor a non-Muslim? And contrary to this both the Governor and the Assistant Governor are non-Muslims in Jammu Province?

(*b*) Is the Hon'ble Revenue Minister prepared to appoint a Muslim as Assistant Governor in Jammu Province? If not, what are the reasons therefor?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister): (*a*) Yes.

(*b*) No appintment can be reserved for any particular community. The attention of the Praja Sabha Sad is also invited to reply to Q. D. No. 114 given in the last session.

Reply to Q. D. No. 114.—(*a*) Pandit Amar Nath Sharma.
(*b*) No suitable Muslim was available to fill up this post

(*c*) No.

(*d*) Does not arise.

21. MAIN QURBAN AHMED: (*a*) Will the Hon'ble Prime Minister please give a list of the appointments made on communal basis in each department on the posts of the persons whose services were dispensed with on the concel- lation of their State-subject Certificates?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister): The requisite information is placed on the table of the House.

This also answers part (*c*) of Q. D. No. 373 of the last session to which a reply was promised to be given in this session.

Department.	*Persons discharged as a result of the cancellation of 1st class State-subject Certificates.*				*Persons appointed to the vacant posts.*			
	Hindus.	Muslims.	Sikhs.	Others.	Hindus.	Muslims.	Sikhs.	Others.
Medical ...	4	2	1	2	*6	2	1	...
Police ...	4	3	...	...	2	5	...	...
Public Works & Electric.	2	2	...	...	2	2	...	...
Education ...	5	8	1	...	6	8	...	...
Revenue ...	In all six persons were discharged.				3	3	...	...
Customs ...	...	1	...	...	...	1	...	...
Income Tax and Forest.	...	...	...	...	...	...	...	...
Hazur Portfolio	...	1	...	...	...	1	...	...
Development Portfolio.	1 (Bank paid clerk)	...	...	1	...	1	...	...
Praja Sabha ..	...	1	1	.	...	1	...	...
Law Department	...	2	...	...	.	2	...	...

*Of 6 appointed, one is for the present temporary.

22. MIAN QURBAN AHMED: (*a*) Will the Hon'ble Prime Minister please state whether the rules that "appeals will not be accepted against the decision of the State-subject Enquiry Committee" which had been appointed by the Council, has been amended?

(*b*) Will it be stated whether the rule was passed by the Praja Sabha or was placed before the Sabha?

(c) If the reply be in the negative, will the Hon'ble Prime Minister please state the reasons as to why the decisions of the committees be not declared as null and void?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister): (a) No.

(b) No.

(c) The 'rule' referred to did not require to be passed by, or placed before the Praja Sabha.

MIAN QURBAN AHMED: When the Praja Sabha has been established to make laws, what are the reasons for not placing it before the House?

RAI BAHADUR PANDIT RAM CHAND KAK: Praja Sabha has certain specific things to do and this does not come there.

23. MIAN QURBAN AHMED: (a) Are the Government aware of the fact that the Committees which had been appointed for making enquiry in connection with the State-subject Certificates of Class I had also cancelled the 2nd Class State-subject Certificates?

(b) If the reply be in the affirmative, what action has been taken by the Government in this behalf? If not, what are the reasons therefor?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister): (a) Yes.

(b) Hon'ble Revenue Minister is competent to examine such cases on application by the aggrieved parties.

24. MIAN QURBAN AHMED: (a) Are Government aware that His Highness the Maharaja Bahadur has not authorised the State-subject Certificates Enquiry Committees to cancel the certificates but still they cancelled them while there was no legal justification in their doing so?

(b) If the reply be in the affirmative, it may please be stated what action has been taken by the Government in this matter? If not, why not?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister): (a) The State-subject Certificates Enquiry Committees were authorised to examine certain classes of certificates and to pass orders on them. Government are not aware that this could be interpreted to mean that this did not give the Committees authority to pass orders cancelling certificates.

(b) Government do not propose to take any action.

25. MIRZA M. A. BEG: The mustard seed is cultivated in an area which is included in the P. W. Irrigation areas and is done in a season when irrigation is least needed or

even availed of. But in spite of this the Irrigation Department receives 'Abiana'. Will Government be pleased to remit this "Abiana".

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister): There are two different ways for cultivation of mustard:—

(1) By putting seed (broad cast) in a standing paddy crop in water.

(2) By ploughing land after cutting paddy crop.

In both cases the initial watering is necessary to put the seed in the first case and to make the land wet for ploughing in the 2nd case.

Second watering is given before snowfall when the plant has grown a few inches and the frost sets in which proves harmful to the crop if it is not given a watering.

Again watering is necessary in the months of Baisakh and Jeth if there is very light rain at this time.

The mustard cultivation requires watering as detailed above and as such remission of Abiana is not indicated.

MIRZA MOHAMMED AFZAL BEG: Will 'Abiana' be remitted when mustard seed is sown after the shali crop and no water is used?

PANDIT RAM NATH SHARMA: They cannot cultivate mustard in this way. If it can be done, then the question of remission will certainly be taken into consideration.

26. MIRZA M. A. BEG: (*a*) Is it a fact that the rate of "Abiana" for the 2nd class (*Abi Duiam*) irrigated lands of the Ranbir Canal is two annas per kanal, whereas lands irrigated by the Martand Canal, Tehsil Anantnagh (Kashmir) are charged at Re. -/4/- per kanal? What are the reasons for this differential treatment although more valuable crops are sown in the areas under the Ranbir Canal than those under the Martand Canal?

(*b*) Will Government be pleased to equalize the rate of "Abiana" of the "*Abi Duiam*" of the Martand Canal with that of the Ranbir Canal and make it two annas per kanal?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister): (*a*) The Divisional Engineers report that there is no rate for Abiana for 2nd class (*Abi Duiam*).

(*b*) Does not arise.

27. MIRZA M. A. BEG: (*a*) Will the Government state whether the Irrigation Department meets the cost of the water out-lets from the repair funds or have the zamindars to pay for those?

(*b*) If cost of the water out-lets is realised from the zamindars, then will Government stop this practice?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister): (*a*) and (*b*) All charges for fixing of Mogas at the time of construction of canal are borne by the Government. If new Mogas are required by the zamindars in a running canal, the charges are recovered from the zamindars who apply for construction of a Moga.

28. MIRZA M. A. BEG :(*a*) Is the rate and system for the imposition and recovery of taxes levied on ordinary shali machines and water-mills the same as in the case of machines and water-mills run on Martand Canal? If the reply to the above be in the negative, then rates in general and rate of tax on Martand Canal (Anantnag) be stated and reasons for this discrepancy may be explained?

(*b*) Will Government please equalize the rate of tax charged for machines and water-mills run on the Martand Canal, with that of other such machines and water-mills?

PANDIT RAM GATH SHARMA (On behalf of the Hon'ble Home Minister) :(*a*) There is no fixed rate on the Martand Canal as the sites are auctioned and leased out to the highest bidder. This year the rate ranges from Rs. 6 to Rs. 36 per annum. There can therefore be no comparison.

(*b*) Does not arise.

29. MIRZA M. A. BEG : Will the Hon'ble Home Minister please state the date from which date to what date the water of Martand Canal remains closed and what arrangement is made for supply of drinking water for the inhabitants of Karewa Martand during this period? If no arrangement is made, will the Government be pleased to make some arrangement for water during these days?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister): The canal is not entirely closed during winter months but some water is allowad to run for drinking proposes as well as for running mills.

MIRZA M. A. BEG : In view of the needs of the people, will sufficient water be provided in winter season at least?

PANDIT RAM NATH SHARMA : There is already an adequate supply of water.

30. MIRZA M. A. BEG : (*a*) Is it a fact that the boundaries of the village Ranbirpura, Tehsil Anantnagh meet with the forest area?

(*b*) If reply to above be in the affirmative, why then the above said village is not granted the forest concessions?

(*c*) Will Government please grant forest concessions to this village?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister): (*a*) Yes, Ranbir-

pura village boundaries meet the Brah forest line.

(*b*) This village is entitled to concessions from Brah forest. The forest is reported to be in a ruined condition. Concession are already being granted in as far as the trees are silviculturally available.

(*c*) Does not arise.

31. MIRZA M A. BEG: (*a*) Will the Hon'ble Home Minister please state whether there is any Muslim Headmaster in any of the Middle Schools in Tehsil Pulwama, Kulgam and Anantnag?

(*b*) If the reply is in the negative, then reasons therefor may be explained?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister): (*a*) No.

(*b*) There is no separate cadre for Headmasters of Middle Schools. Teachers are transferred from one school to another, and it sometimes happens that there is no Muslim or Hindu Headmaster in some Middle Schools in certain lacalities.

32. MIRZA M. A. BEG: (*a*) Do the Government know that the Irrigation Department pays the Lambardars "Panjotra" (Commission) at the rate of 3 per cent. on account of Abiana realizations, whereas the Revenue Department pays at the rate of five per cent. for land-revenue recoveries?

(*b*) If reply to above be in the affirmative, will the Government very kindly instruct the Irrigation Department to pay the "Panjotra" to Lambardars at the same rate as it is paid by the Revenue Department?

PANDIT RAM NATH DHARMA (On behalf of the Hon'ble Home Minister): (*a*) Yes.

(*b*) The rate of Lambardari fee was raised to Rs. 4 per cent. from Rs. 3 per cent. on the recommendation of a Committee appointed by the Government to consider the rules for the management of the canals in the State. This rate of 4 per cent. is being allowed from the Fasli year 1990 91. The Committee allowed this rate in view of the fact the Lambardars have to render much less service to the Irrigation Department than what they have to render to the Revenue Department for the remuneration paid to them. In these circumstances it is not reasonable to raise the rates to 5 per cent.

MIRZA M. A. BEG: Was this Committee appointed for both the Provinces? Did the Committee submit its recommendations about both the provinces?

PANDIT RAM NATH SHARMA: The reply will be made

after enquiry. You should give notice for this question.

MIRZA M. A. BEG: This question perhaps does not require a notice. I want to know whether it was for both the provinces that the Committee recommended the raising of the rate from 3 per cent to 4 per cent. (of Lambardari fee)?

PANDIT RAM NATH SHARMA: The Committee made a general recommendation.

MIRZA M A BEG: Has this rate of 4 per cent. been fixed for Kashmir Province also?

PANDIT RAM NATH SHARMA: Certainly.

330. PANDIT AMAR NATH KAK: Will the Hon'ble Prime Minister be pleaseed to state:—(*a*) Whether any steps have bean taken during the last one year for giving work to the educated unemployed in the State? If so, what are those steps not what are the details of the help rendered by the State to the educated unemployed and what are the names and qualification of the educated unemployed who are who earning their livelihood in consequence of such aid or facilities given by the Government?

(*b*) Whether after the submission of the report by the Unemployment Commission the recommendations made by the commission have been examined by the Government. If so, which of the recommendations have been found useful and practicable for the purpose of solving the problem of the educated unemployment in the State?

(*c*) Whether any scheme has been prepared for solving the problem, if so, what are the details of that scheme?

(*d*) If any recommendations by the Unemployment Commission have been found useful and practicable and if any schemes have been prepared on the basis of those recommendations or independent of those recommendations. Will the Government be pleased to state whether adequate funds have been provided or arranged for giving effect to the same?

(*e*) If no schemes have been prepared and no funds have as yet been provided or arranged to solve the problem of the educated unemployment in the State, will the Government take immediate steps in this direction?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister): (*a*) and (*b*) Steps have been taken and are being taken which it is hoped, will result in providing employment. Government are carefully examining every recommendation of the Unemployment Commission; and on some recommendations (*vide* statement attached) orders have been passed. The particulars regarding the

persons already employed are not available.

(*c*) No single scheme can provide a solution for the entire problem of the educated unemployed.

(*d*) The member is referred to the Statements attached.

(*e*) In view of what has been stated above, this question does not arise

PANDIT AMAR NATH KAK: Sir, I have not been supplied with the written reply of question No. 33.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): You will have a copy just now.

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN: (Home Minister): Here it is.

MAULVI MOHAMMED ABDULLA: Have the Government decided that educated unemployed youngmen will be given land for cultivation as such news has already been published in the Civil and Military Gazette?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: The colonization scheme is under consideration

MIRZA M. A. BEG: Have Government taken any steps for removing unemployment amongst uneducated unemployed youngmen also?

MAULVI MOHAMMED ABDULLA: Is it under consideration of the Government that educated unemployed youngmen will be given land for cultivation purposes whether they may be agriculturists or non-agriculturists?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: Well, the idea is that Government contemplates to give land for cultivation to those educated youngmen only who are willing to settle on the land and work on it.

MIRZA M. A. BEG: If some of those educated youngmen have already got their own land, will the Government give them more land?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: If they are already in possession of some land, then it will be a consideration to refuse their application for grant of land.

COLONEL ABDUR RAHMAN KHAN: Unemployment is increasing day by day amongst uneducated youngmen. What steps Government have taken to remove it?

MIRZA M. A. BEG: The question was about the recommendation of the Unemployment Commission It was absolutely out of jurisdiction of the Commission to make recommendations about the removal of unemployment amongst the uneducated youngmen. It had to make recommendations for solving the problem of unemployment amongst all classes whether educated or uneducated.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: You are right.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Reply to this question has been given.

MIRZA M. A. BEG: Now the question is whether the Government have taken any steps for removing unemployment of the uneducated youngmen similar to those taken in the case of educated youngmen.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: The Government will consider the question of taking steps. They are examining the recommendations of the Unemployment Commission and no recommendations whatsoever shall be left unexamined

MIRZA M. A. BEG: The reply given to the question is that, steps have been taken and are being taken to remove unemployment of the educated youngmen in the State. I want to know whether any steps have been taken for the removal of uneducated unemployment as well.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: I think some of the items which you will find in the report do contain some recommendations which contemplate the provision for uneducated youngmen as well.

MIRZA M. A. BEG: Sir, I would respectfully request that permission may be granted to ask the question as to what are those recommendations on which orders have been passed. My friend Colonel Sahib is also anxious to know as to what are those specific recommendations on which steps have been taken for removal of unemployment amongst the uneducated youngmen. A reference of it has been cited but as Colonel Sahib has not got the written reply and therefore that particaler part of the reply may be read out. I am only anxious about the removal of uneducated unemployment. With the rest of the reply I am not concerned. We know what steps have been taken and are being taken to remove unemployment amongst the educated youngmen.

NOTE.—The Chief Secretary proceeded with the reading of the reply whereupon Mr. Beg interrupted saying.

MIRZA M. A. BEG: Am I not being misunderstood? I want to know whether any action has been taken in the direction of removing uneducated unemployment; that part of the question may only be read out in which it is stated what action has been taken in that direction?

RAI BAHADUR PANDIT RAM CHAND KAK: I have said that action has been taken in many cases. Funds have already been provided.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: May I clear this misapprehension? The answer given to part (*a*) and (*b*) of the question of the hon'ble member is that steps have been taken and are being taken which it is hoped will result in providing employment. The recommendations do not confine only to educated youngmen and as such it deliberately means that uneducated unemployment is also being provided for. The unemployment is not prevailing only amongst educated youngmen but also amongst uneducated youngmen. Members of the Commission know that within the terms of reference they have made recommendations which will be duly examined by the Government.

MIRZA M. A. BEG: I quite clearly understood that the question is as the Hon'ble Prime Minister said the action of the Government refers to the removal of general unemployment whether prevailing amongst educated or uneducated youngmen. I asked whether any action with regard to the removal of the uneducated unemployment has been taken?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: Some of the items on which orders have already been passed by the Government do provide for uneducated youngmen.

MIRZA M. A. BEG: What are those items on which orders have been passed and what steps have been taken?

RAI BAHADUR PANDIT RAM CHAND KAK: I will read these.....

MIRZA M. A. BEG: What orders for the development of the roads have been passed?

RAI BAHADUR PANDIT RAM CHAND KAK: Extenson of road from Pahalgam to Chandenwari; construction of Woyil bridge; roads in the Pahalgam Forest Area; then there is on the other side Batote-Bhadarwah road and also extension of Kishtwar road *via* Doda. I cannot give a whole list of it off hand.

MIRZA M. A. BEG: Most of it has been done in Colonel Colvin's time: I want to say one thing. Is it a fact as the general apprehension of the public is that the Government are paying much more attention for the removal of educated unemployment only rather than the uneducated unemployment.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: I may say at once that it has never entered my head to distinguish between educated and uneducated unemployment. I have always looked at every proposal with

an object of relieving unemployment whether amongst the educated or uneducated classes.

MIRZA M. A. AEG: Will you call for proposal accordingly.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: Certainly.

MAULVI MOHAMMED ABDULLA: Sir, it is an important question and the reply is incomplete?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Much of the time has been spent on this question It has adequately been replied to.

MAULVI MOHAMMED ABDULLA: Sir, it has not taken enough time. Unless complete reply is given, I will repeatedly ask this question. When I have got right to ask questions, then why I am being deprived of the right. Else if your Lordship asks me to sit down I will take my seat and be deprived of the right.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L Kitclu: The question has sufficiently been discussed, therefore no more time should be wasted on it.

MIAN AHMED YAR: Point of order, Sir. Is there any rule in the Rules of Business to the effect that if there are more number of questions to be replied on a certain date no more supplementary questions can be asked?

PANDIT JIA LAL KILAM: No point of order can be raised with respect to the ruling which has been given by the Chair. My humble submission will be that the question is ruled out by the Hon'ble Chair.

MIAN AHMED YAR: No ruling has been given.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): This question has been sufficiently discussed, so I will not allow more questions on it.

34. PANDIT AMAR NATH KAK: Will the Hon'ble Minister-in-charge of the Industries and Commerce Department be pleased to state:—(*a*) What the purpose of calling applications from and summoning the educated un-employed to the office of the Director of Industries and Commerce, after the present Director took over the charge of the Department, was?

(*b*) What was the number of the persons who submitted applications or got their names registered in obedience to the advertisement made in this behalf by the Director of Industries and Commerce?

(*c*) Whether the Director of Industries and Commerce prepared any statement showing the names and the qualifications of the educated un-employed in the State? If so,

a copy of that statement may be placed on the table ?

(*d*) Whether the Director of Industries and Commerce made any proposals for giving work to the educated un-employed ? If so, what are the proposals ?

(*e*) If any proposals have been made, will the Government state what steps have been taken by the Government to give effect to such proposals ?

(*f*) If no proposals were made by the Director of Industries and Commerce or if no steps have been taken by the Government in that direction, will the Government be pleased to state why such an advertisement was made and why in spite of the fact that a large number of applications have been made in response to that advertisement the Government has not paid any attention to the keen problem of the educated un-employment ?

Rai Bahadur Pandit Ram Chand Kak (On behalf of the Hon'ble Prime Minister) : (*a*) The object was to ascertain the correct figures, as far as possible, of the educated un-employed, and take stock of their qualifications

(*b*) The number of those who registered their names was 719.

(*c*) The statement is placed on the table of the House.

(*d*), (*e*) and (*f*) The member is referred to the reply given to Q. D. No. 103.

Statement of unemployed registered upto date.

Science graduates.	Technical graduates.	Economic graduates.	Mathematic graduates.	Other graduates.	Mechanical Engineering trained.	Electrical Engineering	Medical graduates	Technical Trained.	F. A.	F. Sc.	Matrics.	Total.
23	3	56	54	59	1	1	2	9	75	9	427	719

35. Pandit Amar Nath Kak : Will the Hon'ble Minister-in-charge of the Industries and Commerce Department be pleased to state in what respect the appointment of the new Director of Industries and Commerce has proved useful to the department and what progrees the department has made after his appointment ?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Revenue Minister) : The information required by the hon'ble member cannot be categorically furnished in answer to a question. It is suggested that he should await the publication of the Administration Report of the Department.

PANDIT AMAR NATH KAK: When do you intend to publish the report ?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR : As soon as orders are passed by the Government ?

PANDIT AMAR NATH KAK : How long it will take for the orders to be passed by the Government ? Am I to wait for one or two years ?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR : It is sufficient to wait for one or two months only ?

36. PANDIT AMAR NATH KAK : Will the Hon'ble Minister-in-charge of the office of the Accountant General/Auditor General be pleased to enquire and state :—(*i*) Whether any departmental examination for appointment as Examiners and Superintendents is held in that Department ? If so, since how long ?

(*ii*) Whether any such examinations were held since the time the present Accountant General has been in office ? If so, how many joined the examinations and what were the names of the persons who failed in these examinations ?

(*iii*) Are there any instances in which persons inspite of their failure in these examinations were granted promotions to the higher grades, if so, what are their names ?

(*iv*) What were the reasons for granting promotions to the persons who had failed in the departmental examinations ?

MR. GHULAM AHMED ASHAI (On behalf of the Hon'ble Hazur Minister) : (*i*) Yes. Since the year 1934 ?

(*ii*) Yes. Twice in October 1935 and May 1937. In October 1935 seven candidates appeared in Examiners' Examination and 3 in Superintendents' Examination. Lala Ishwar Dass, Sh. Mohd. Asghar, L. Hakam Rai and Pt. Durga Dass failed in Examiners' Examination, while none failed in Superintendents' Examination.

In May 1937, 10 candidates appeared in Examination Part One (previously Examiners' Examination) and 3 in Part Two Examination (previously Superintendents' Exa-

mination). In Part One Examination the following candidates failed to pass :—

1. P. Narinjan Nath Dhar.
2. Mr. Ghulam Mohi-ud-Din.
3. M. Abdul Ahad Mir.
4. Pt. Gopi Nath Vali.
5. Pt. Madhusudan Kaul.
6. M. Ahmedullah.

None failed in Part Two Examination.

(*iii*) and (*iv*) Sh. Mohd. Asghar, who was subsequently exempted from passing the Departmental Examination in terms of Council Order No. 635 of 1935.

(*v*) The examination there qualifies for promotion to subordinate Accounts service only.

37. PANDIT AMAR NATH KAK : Will the Hon'ble Minister-in-charge of the Accountant General's/ Auditor General's office be pleased to enquire and state:—The names of the persons who have been given lifts to higher grades irrespective of seniority during the last three years and the names of the persons who have been given lifts to higher grades having passed the departmental examinations?

MR. GHULAM AHMED ASHAI (On behalf of the Hon'ble Hazur Minister) : The information required by the Praja Sabha Sad is placed on his table.

1. H. Ghulam Safdar	Permanent Examiners promoted first as Superintendent Srinagar Treasury and then Superintendent Audit office. The second is yet S. P. T.
2 M. Abdul Aziz Fazli.	
3. M. Shamas-ud Din ...	Pemanent Auditor. First promoted as Examiner and then S. P. T. Superintendent Srinagar Treasury.
4. Sh. Mohd. Asgar.	As Examiners No. 8 being S. P. T.
5. M. Abdullah Khan.	
6. M. Aziz Khan.	
7. Pir Ghulam Hussain.	
8. M. Abdul Khaliq.	

9. M. Abdul Ahad	...	As. S. P. T. Head Clerk, Jammu Treasury.
10 M. Ghulam Mustafa Gundroo.	}	In 30-3-75, 15th and 16th being S. P. T.
11. M. Abdul Said Fazli.		
12. M. Abdul Malik.		
13. M. Ghulam Nabi Sallah.		
14. M. Ghulam Hussain.		
15. M. Ghulam Ahmad Pir.		
16. M. Abdur Rahman Dar.		
17. M. Sakhi Mohammad	...	As S. P. T. Assistant Accountant Palace Division.

None excepting M. Abdul Aziz Fazli has passed the Departmental Examination.

38. PANDIT AMAR NATH KAK: Will Hon'ble the Minister-in-charge of the Auditor General's/Accountant General's office be pleased to enquire and state:—(*a*) Whether there is any rule of practice or orders of the Government in force in the department to the effect that the seniority of the Accountants has to be determined in accordance with the date of their passing the prescribed examinations? If so, whether this rule was applied to Mr. Mohammed Amin who was appointed as an Accountant; whether Mr. Mohammed Amin has passed the 2nd grade examination of Accountants, if so, when; whether there were any incumbents in service at the time of his passing the examination who had already passed the prescribed examinations? If so, who were such persons and why was their seniority ignored at that time?

(*b*) Whether the Conservator of Forests made any report regarding the removal of the said Mr. Mohd. Amin from the post he was holding, if so, whether he has been removed from that post or not?

(*c*) Whether the Administration Office inspite of the unfavourable report made by the Conservator of Forests recommended the confirmation of the said Mr. Mohd. Amin?

Mr. GHULAM AHMED ASHAI (On behalf of the Hon'ble Hazur Minister): (*a*) Yes, selection for the Accountant's cadre is made according to the date of passing the examination modified by length of service Mr. Mohd. Amin did not pass the 2nd year Examination of Accountants, but he passed Divisional Accountant's

Examination in the year 1937. There were other qualified clerks of the office senior to Mr. Amin, but his appointment was made on communal grounds irrespective of seniority.

(*b*) Yes, but Mr. Amin had been posted to that Division only a month before the inspection of the Conservator of Forests. He is continuing there

(*c*) No. Mr. Amin is still on probation.

MIRZA M A. BEG: Can you tell when Mr. Mohd. Amin was appointed?

MR. GHULAM AHMED ASHAI: I don't know.

39. PANDIT AMAR NATH KAK: Will the Hon'ble Minister-in-charge of the Auditor General's/Accountant-General's office be pleased to enquire and state:—(*a*) Whether one Mr. Abdul Khaliq has been promoted to the grade of 85-5-135 over the head of many of his seniors, if so, how many were senior to him and what were the reasons for ignoring the seniority?

(*b*) Whether Mr. Abdul Khaliq was appointed as Examiner over the head of his seniors and his appointment was sanctioned as a S. P. T. measure subject to reversion on the decision of the general question of seniority by the Government? If the appointment was as a S. P. T. measure and subject to reversion, whether he was reverted when Mr. Anwari joined his post in the office?

(*c*) Whether at the time when Mr. Anwari joined his post, incumbents senior to Mr. Abdul Khaliq were reverted, if so, why?

What were the reasons of allowing Mr. Abdul Khaliq to hold his post and ordering the reversion of his seniors?

(*d*) Was seniority ignored in the case of Raja Abbas Khan, if not, why was it ignored when incumbents senior to Mr. Abdul Khaliq were reverted?

(*e*) Whether the Government has passed any orders to the effect that promotions be given according to seniority pending announcement of the general policy of the Government? If so, why the Accountant-General ignored this order in several cases? An instance in point is the case of Mr. Abdul Khaliq?

MR. GHULAM AHMED ASHAI (On behalf of the Hon'ble Hazur Minister): (*a*) Yes. There were 104 men senior to him, but he was promoted on communal grounds.

(*b*) Yes. He was not reverted.

(*c*) Reversion was made, as usual, from the men promoted after Mr. Abdul Khaliq.

Yes, the Hon'ble Finance Minister has issued such orders. No senior man was ignored under these orders. Mr. Abdul Haq was promoted before these orders were issued.

MIRZA M. A. BEG: Who is this 'Anwari'? (Laughter)

PANDIT LOK NATH SHARMA: It might be some friend of yours and not a woman.

40. PANDIT AMAR NATH KAK: Will the Hon'ble Minister-in-charge of the Accountant General's office be pleased to enquire and state:—(*a*) Whether one Mr. Mohi-ud-Din is working in the Department who failed to pass the departmental examination of Examiners and is holding a higher post inspite of his failure in the said examination?

(*b*) Whether it is a fact that he could not discharge his duties and the Accountant General had to depute a special officer for clearing the arrears which had accumulated in his time?

(*c*) Whether it is a fact that the Accountant General recommended his exemption from re-appearing in the Examiners' Examination and further recommended that he should be allowed to join the Superintendents' Examination (which is a higher examination)?

(*d*) Whether it is a fact that said Mr. Mohi-ud-Din failed miserably in papers in which questions on Kashmir Service Regulations, State Treasury Code and Audit Code were put? If not, what were the papers in which he failed?

(*e*) Whether an employee of the Accountant General's office holding a responsible post such as that of an Examiner or a Superintendent can be considered efficient for proper discharge of his duties, without having adequate knowledge of Kashmir Service Regulations, State Treasury Code and Audit Code?

MR. GHULAM AHMED ASHAI (On behalf of the Hon'ble Hazur Minister): (*a*) Yes, as a P. W. D. Accountant for which he is qualified, having passed the Divisional Accountant's Examination.

(*b*) No. The arrears referred to were inherited from his predecessor.

(*c*) Yes, along the case of another Hindu similarly placed.

(*d*) He failed by a few marks in 3 papers (*i*) Precis and Draft, (*ii*) Kashmir Service Regulations and (*iii*) State Treasury Code and Audit Code and by 4 marks in the aggregate.

(*e*) No, but failure by few marks at the examination does not prove ignorance of the subjects.

41. MR. LAJPAT RAI: (*a*) Will Government please state whether documentary evidence is demanded from those hereditary subjects living within the Municipal limits and under the Nazool Department at the time of preparing the plan of a house which has to be constructed by such subjects of the State?

(*b*) Is the production of documentary evidence necessary even in the case of those persons who are living here for a century and who cannot, on account of their ignorance, produce any documentary evidence?

(*c*) If the reply to parts (*a*) and (*b*) be in the affirmative, will the oral evidence of some respectable persons who are members of some society or Sabha be taken into consideration? If not, why?

MR. GHULAM AHMED ASHAI (On behalf of the Hon'ble Hazur Minister): (*a*) No. Not when a person applies for permission to build a house on land which is not State land.

(*b*) Does not arise.

(*c*) Does not arise.

42. MR. LAJPAT RAI: (*a*) Will Government please state as to how many of the Harijans who have settled in villages of Jammu and Kashmir State are hereditary State-subjects and how many are non-hereditary State-subjects?

(*b*) Are Government also aware since how long these non-hereditary State-subjects who are working as tenants of the zamindars, are living in the State?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister): The information asked for by the Praja Sabha Sad requires sufficient notice. It is being collected and will be supplied when received.

43. MR. LAJPAT RAI: (*a*) Will the Government please state what action has been taken on the application dated the 8th February 1937 of the Harijans of villages Suchani, Raya, Bharohri and Saror, Tehsil Samba regarding land which was submitted to the Hon'ble Revenue Minister by Lala Lajpat Rai, Member Praja Sabha?

(*b*) Has any action been taken uptil now? If not, why?

(*c*) If the reply to parts (*a*) and (*b*) be in the affirmative, will the department call for the petitioners (zamindars) and promise to pay favourable consideration in the matter?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister): (*a*) No application of 8th February 1937 addressed to the Revenue Minister by

Mr. Lajpat Rai on behalf of Harijans of villages Suchani, Raya, Bharohri and Saror, Tehsil Samba regarding land is traceable from records.

(*b*) and (*c*) Do not arise.

LALA RAM LAL VAKIL: Did the hon'ble member ask this question in the last session and reply was given that enquiry was being made.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: I do not know.

44. Rejected.

45. MR. LAJPAT RAI: (*a*) Will Government please state what are the rates of land revenue per Ghumaon of barren, water logged and irrigated lands respectively? Will also a separate list be placed on the table in the matter?

(*b*) What are the reasons for charging Rs. 4 or 6 per Ghumaon as land revenue on the *Nautor* areas in Rakh Bahu which have been cultivated by the people through the Game Laws Department?

(*c*) If the reply to (*a*) and (*b*) be in the affirmative, will some concessions be granted in favour of those people who pay greater amount of land-revenue?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister): (*a*) The information asked for can be supplied if the particular locality for which it is wanted is specified by the Praja Sabha Sad.

(*b*) So far as has been ascertained, Rakh Bahu village is under the control of Shikargah Department and Ain Araziat Private (آئین اراضیات پرائیویٹ) is enforced there under which the cultivators are declared as tenants-at-will and the payments they make are considered as rent and not land-revenue. The rate of rent is fixed by the Shikargah officials

(*c*) Does not arise in face (*b*) above.

46. MR. LAJPAT RAI: Will Government please state reasons as to why the digging of well which was meant for the supply of water to village Chhanni Himmat, Tehsil Jammu has been stopped when water had already sprouted out of it?

(*b*) Are Government prepared to grant more amount for the construction of the well as a lot has already been spent on it? If so, when?

(*c*) Are Government aware that in the rainy season water flows over the well?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister): (*a*) The digging was stopped as further digging was not required. The boring for the tube well has been completed.

(*b*) The Sanitation Cess Board has already provided funds for the installation of a hand pump at the well. The same is being arranged and will be completed soon.

(*c*) No water flowed over the well.

47. MR. LAJPAT RAI : Will Government kindly state what action has been taken on the requests of the deputation of all Jammu and Kashmir Dalit Sabha that waited on the Hon'ble Prime Minister ? If not, why ? When will the Government pay attention to it ?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister) : Several requests were made by the deputation and they were forwarded to the concerned departments for report. Wherever action is called for Government will take it, on receipt of final reports. Meanwhile it may be stated for the member's information that a sum of Rs. 960 per annum has been allotted from the Dharmarth Fund for grant of educational scholarships to deserving candidates from the Harijan community in addition to the scholarships earmarked for the community in the Education Department Budget. The establishment of a sports industry at Jammu, as suggested by the deputation, is under consideration. Instructions have been issued to all Government officers to treat representatives of the Harijans in the same manner as representatives of other communities are treated.

48. MR. LAJPAT RAI : (*a*) Is it a fact that the Chowkidars of Tehsil Jammu whose appointments have been made according to rules and who are working quite satisfactorily for the last one or two years, are not being paid salaries? What are the reasons therefor ? How many are such Chowkidars who have not been granted their pays ? Will Government please place a separate list on the table ?

(*b*) If the reply be in the affirmative, will some arrangements be made for the poor Chowkidars who are appointed on low pay of Rs. 5 to be paid their salaries regularly?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister) : (*a*) No Chowkidars, pay has unnecessarily been stopped. Beli Chowkidar of Bahu, who was a new entrant, did not produce his State-subjects certificate for a long time. According to the Accounts office instructions his pay could not be paid unless and until he produced his certificate. As he has now produced his certificate his pay has been disbursed to him. This was the only case of non-disbursement of pay.

(*b*) All Chowkidars are being paid their dues regularly ; no special arrangements are therefore necessary.

LALA RAM LAL VAKIL: Is it a fact that Ravelu Chowkidar of village Jandyal has not received his pay for the last 2½ years?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: It requires notice.

LALA RAM LAL VAKIL: This question also arises out of the main question. What is the necessity of giving a notice?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: There are about two thousand Chowkidars in the State. We cannot carry their records in our head.

LALA RAM LAL VAKIL: But the question has been asked regarding Jammu Tehsil only?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: The reply has been given that no-body's pay is out-standing.

LALA RAM LAL VAKIL: Ravelu is Chowkidar in Jammu Tehsil too?

KHAN BAHADUR MOHAMMED AFZAL KHAN: There are hundreds of Chowkidars in Tehsil Jammu.

49. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) With reference to the reply to question Serial No. 194 Q. D. No. 60 asked in a meeting of the Praja Sabha on 17th Assuj 1994, will the Hon'ble Revenue Minister please state if it is a fact that the Muslim Agriculturist classes of Tehsil Rajouri in the Reasi District which were not included in the list of agricultural classes submitted representations to him and that on their representations a report was called for from Tehsil Rajouri? If it be a fact, will the Hon'ble Minister please place the report on the table of the House?

(*b*) If the answer to (*a*) above be in the negative, will an enquiry be made from the Tehsildar in this matter?

KHAN BAHADUR RAJA HOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister): (*a*) *1st part.*--Yes.

2nd part.—Some of the applicants, as for example Malik Rajputs of Tehsil Rajouri have since been declared as Agriculturists while final report on the applications of Pathans and others of this Tehsil is still awaited.

(*b*) This is being done already.

MAJOR MIRZA ATTA MOHAMMED KHAN: Will an immediate attention be paid in this behalf?

THE HON'BLE SIR LAL GOPAL MUKERJI (Revenue Minister): Yes, Sir.

COLONEL ABDUR RAHMAN KHAN: One and the same reply is being given to me for the last three years regarding Udhampur that efforts will be made to include the Muslim agricultural classes of that place in the list. Has any

decision been made in that behalf?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: I want notice for that.

COLONEL ABDUR RAHMAN KHAN: This matter is under discussion for the last three years and still you say that you want notice.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: Just as you have been giving notice of this question for the last three years, similarly you can ask it again. (Laughter)

50. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) With reference to the reply to question Serial No. 199 Q. D. No 63 asked in a meeting of the Praja Sabha on 17th Assuj 1994, will the Hon'ble Home Minister please state whether the attention of the Bhimber and the Gujrat Police was invited to the control of traffic?

(*b*) If the answer to (*a*) above be in the negative, will the Hon'ble Home Minister please issue instructions to the Police at these two places to maintain a proper control of traffic in order to remove the hardships suffered by passengers and tourists? If not, why not?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister): (*a*) No complaints regarding this piece of road have been received.

(*b*) Does not arise.

MAJOR MIRZA ATTA MOHAMMED KHAN: When I have seen that place and even now I am inviting your attention to this fact, then will it be done?

PANDIT RAM NATH SHARMA: There is no need of any such arrangement because in one day hardly one motor lorry goes to and comes from that place.

MAJOR MIRZA ATTA MOHAMMED KHAN: My question is that the visitors have to face great hardships and even 40 passengers are seated on a lorry, under such conditions is there no need of making any arrangements?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Yes should not make a speech but you should ask a question.

MAJOR MIRZA ATTA MOHAMMED KHAN: The question that I would ask is whether some arrangements for supervision will be made?

PANDIT RAM NATH SHARMA: There is no necessity of any supervision because there is no lorry traffic even for days together.

A JOR MIRZA ATTA MOHAMMED KHAN: This is not the reply.

51. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) With

reference to the reply to question Serial No. 316 Q. D. No. 75 asked in a meeting of the Praja Sabha on 21st Assuj 1994, will the Hon'ble Home Minister please state whether the question referred to was again put before the Education Standing Committee?

(*b*) If the answer to (*a*) above be in the affirmative, will a school be opened in Memonkote?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister): The proposal of opening a Primary School at Memonkote was placed before the Education Standing Committee but other places were considered more deserving.

52 MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) With reference to question Serial No 317 Q. D. No. 76 asked in a meeting of the Praja Sabha on 21st Assuj 1994, will the Hon'ble Home Minister please state whether Arabic teachers have been appointed in the Primary Schools where there is a sufficient number of students? Will an enquiry be made from the Education Department?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister): Arabic teachers are not appointed in Primary Schools as Arabic is not taught in these schools.

MAJOR MIRZA ATTA MOHAMMED KHAN: Have some Moulvies been appointed or not? My submission was that the local officers may be asked as to whether the number of the students is sufficient to justify the appointment of Moulvies there? No reply has been given to this question.

SHEIKH ABDUL HAMID: It has been stated in reply that Arabic is taught after the 5th primary class and when Arabic is not taught in the Primary Schools then how can the teachers be appointed.

LALA AMAR NATH KOHLI: Arabic is taught after the 5th class.

53. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) Will the Hon'ble Revenue Minister, with reference to question Serial No. 318 Q. D. No. 77 asked in a meeting of the Praja Sabha on 21st Assuj 1994, please state whether an enquiry was made from the Wazir Wazarat Reasi in the matter?

(*b*) If the answer to (*a*) be in the affirmative, will a report be called for from the Wazir Wazarat Reasi?

(*c*) Does the Hon'ble Revenue Minister know that there is a great scarcity of water for the *Abi* lands of the zamindars of Mouza Badar, Gulabgarh Division?

(*d*) Does the Hon'ble Revenue Minister know that the Government is realizing *Abi* rates in addition to

land-revenue from the zamindars of Mouza Badar?

(*e*) Will the Hon'ble Minister please state whether in such a case it is not incumbent upon the Government to grant them relief at a time of acute need?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister): (*a*) No.

(*b*) Does not arise.

(*c*), (*d*) and (*e*) Mr. Knox thought that the Revenue Minister should not move in the matter till a definite representation from the zamindars was received and hence no enquiry was made. The present Revenue Minister undertakes to make an enquiry and to take such steps as may be necessary.

54. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) Will the Hon'ble Home Minister please state what measures were enforced to prevent the heavy infant mortality with reference to question Serial No. 191, Q. D. No. 62 asked in a meeting of Praja Sabha held in Assuj 1994?

(*b*) What are the reasons for not paying attention to the question of preventing infant mortality in spite of the questin being repeatedly asked in the House?

(*c*) Has no negligence occurred in obtaining the accurate figures of infant mortality? Has any enquiry been held in this respect? If not, why not?

(*d*) Do Government intend to take practical steps for the prevention of infant mortality? If not, why not?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister): (*a*) and (*d*) As regards the number of infant mortality, the available information was supplied.

Government has already taken preventive measures in the shape of vaccination and appointment of midwives and Lady Doctors, where necessary facilities are afforded.

(*b*) and (*c*) Do not arise.

55. MAJOR MIRZA ATTA MOHAMMED KHAN: With reference to the reply to question Serial No. 330, Q. D. No. 79 asked in a meeting of the Praja Sabha on 21st Assuj 1994, will the Hon'ble Revenue Minister please state whether an enquiry has been made and if so, whether the report as to its result will be placed on the table of the House?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister): (*a*) Patwaris and Girdawar Qanungos are members of the village agency and are paid from the amount realized from the zamindars. If these officials are to be with peons to carry their dak and bastas like other employees of the Revenue Department, the amount required for this purpose will have to be paid by

the zamindars which will be considered a greater hardship by them than the one complained of by the Praja Sabha Sad. The zamindars arrange between themselves for such nominal labour which is required of them by the Patwaris, or Girdawars. Similar practice obtains in other parts of the State and British India as well.

(*b*) The dak issued from Tehsil head-quarters is carried by peons attached to a Tehsil and not by zamindars or Chowkidars.

(*ii*) Does not arise.

(*c*) Does not arise in view of (*a*) and (*b*) (*i*) above.

MAJOR MIRZA ATTA MOHAMMED KHAN: Will an enquiry be made in this behalf?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: In what connection?

MAJOR MIRZA ATTA MOHAMMED KHAN: Regarding the Chowkidars.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: When we deny that it is not the case then what is the use of enquiry?

56. MAJOR MIRZA ATTA MOHAMMED KHAN: Will the Hon'ble Home Minister, with reference to questions Serial No. 264 and 265, Q. D. Nos. 64 and 64-A, please state if it is a fact that from the beginning the questions regarding the up-keep of this road have been put to the Hon'ble Revenue Minister? Was any assurance given to the effect that after the survey report a sum of Rs. 1,300 will be provided in the budget for the repair of this road.

(*b*) Is it a fact that this sum is not sufficient for the repair of this road?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister): The member is referred to the answer given to question No. 64-A of the last session in which it was mentioned that the construction of main road from Thana Mandi to Shopian will be taken in hand only when project is sanctioned and funds provided.

As regards up-keep of this road, an enquiry will be made.

(*b*) Question does not arise.

57. BAKHSHI MOTI RAM: (*a*) Is it a fact that silk-worm rearing is not done in the Illaqas of Kandi and Deva Batala in Mirpur Tehsil?

(*b*) If so, why have restrictions been imposed on the felling of mulberry trees?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister): (*a*) Yes.

(*b*) Attention of the Praja Sabha Sad is invited to reply given to Q. D. No. 818 on 8th April 1935, Serial No. 347, Page 280 of the Jammu and Kashmir Assembly Debates Volume III.

58. BAKHSHI MOTI RAM: (*a*) Do the Government know that the Agriculture Department is encouraging the zamindars in farming and agriculture ?

(*b*) If the answer be in the affirmative, then is Government prepared to remove restriction on the cutting of mulberry trees because the smaller fruit trees and vegetables cannot grow under the shade of these trees which are no longer of any value because silk-worm rearing is not done in those Illaqas? If the answer be in the negative, then, reasons therefor may please be stated ?

(*c*) If the reply to (*b*) be in the negative, how can the Government expect that the zamindars will grow new plants when there is already an overgrowth of mulberry trees in their limited plots ?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister) : (*a*) Yes.

(*b*) No. The Praja Sabha Sad is referred to answer given to Q. D. No 203, Serial No. 57 dated 16th March 1938

(*c*) The Government have no reasons to think that there is an overgrowth of mulberry trees in the Jammu Province. On the other hand the number of mulberry trees can be advantageously increased by the zamindars.

59. BAKHSHI MOTI RAM: (*a*) Do Government know that a resolution has been passed in the Praja Sabha recommending for the remission of duty on the import of goods by labourers upto the value of Rs. 25 ?

(*b*) Will Government issue instructions so that every "private" labourer may be able to bring into the State goods worth Rs. 25 free of duty either for his own use or for that of his family ?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister) : (*a*) Yes.

(*b*) It is not clear what the Praja Sabha Sad means by a "private labourer". If he means a labourer in the words of original resolution as passed by the Praja Sabha, then the answer is that orders have already been issued as laid down in the Government order that goods purchased from outside the State to the value of Rs. 25 and imported on their return by labourers who go to the Punjab and other places outside the State in search of labour be exempted from customs duty and these exemptions include all their domestic requirements.

MIRZA M. A. BEG: Do the officers concerned see that this order is being carried into effect?

PANDIT RAM NATH SHARMA: But no complaint has been received so far.

SUBEDAR KHAN MOHAMMED KHAN: Are the Government aware that under this order only those persons who have the coolies badges on their arms are exempted from the payment of customs duty on articles worth Rs. 25?

VOICES: Shame, shame.

PANDIT RAM NATH SHARMA: That is a hypothetical question.

60. BAKHSHI MOTI RAM: (*a*) Is it a fact that during the agitation the afflicted Hindus and Sikhs were granted Taccavi loans for settling again?

(*b*) That they have applied for remission of these loans and several articles have been appearing in the papers recommending the same?

(*c*) If the answer be in the affirmative, then is Government prepared to remit these loans to the sufferers of the last agitation because they are unable to pay them?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister): (*a*) Yes.

(*b*) Yes

(*c*) Each case will be examined on its merits on receipt of reports from the officers from whom reports have been called.

LALA RAM LAL VAKIL: Will the realization of land-revenue be suspended till the report is received?

MR. PRESIDENT (The Hon'ble Mr. Jastice K. L. Kichlu): The Government want notice for this question

61 BAKHSHI MOTI RAM: (*a*) Do Government know that between Mirpur and Poonch there is no Dak Bungalow or Rest House where visitors or officers can stop for the night?

(*b*) If the answer be in the affirmative, then, will the Kotli Dak Bungalow be restored and furnished and will arrangements be made for the construction of a Rest House at Dharmsal also?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister): (*a*) Yes.

(*b*) The Divisional Engineer has been asked to prepare an estimate for the repair of Dak Bungalow Kotli. The question of constructing a Rest House at Dharamsala Jhangar is also under consideration therefore an estimate for that too is being prepared. It will be constructed when the funds permit.

62. BAKHSHI MOTI RAM: (*a*) Do Government know that the zamindars particularly the poor cultivators, are weighed down with debt?

(*b*) If the answer be in the affirmative, then, will Government chalk out some scheme for helping the zamindars in paying off their debt?

(*c*) Will Government try to find out the debt of the zamindars with the help of the Revenue Department so that it may be possible to find out the extent of debt they have to pay?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister): (*a*) Government have no knowledge of it.

(*b*) Does not arise.

(*c*) The suggestion of the Praja Sabha Sad will be considered.

63. BAKHSHI MOTI RAM: Will Government please state reasons for the shortage of water in the Illaqas of Kandi in spite of many submissions? How many tanks have been repaired in Kandi Illaqas, in the Jammu Province, and how many new wells have been sunk and what expenditure has been incurred on them?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister): The shortage of water in the Kandi Illaqa of the Jammu Province is due to natural causes and physical conditions of the tract. The Government have all along paid due heed to the questions. During the last year 60 tanks and wells have either been repaired or reconstructed. Six new wells are being sunk. More than Rs. 20,000 have been spent during the last two years and funds to the extent of Rs. 40,000 have been provided for the purpose during the current year.

LALA HANS RAJ VAKIL: Has any high officer inspected the tanks and the other sources of water supply in that Illaqa?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: The officers often inspect them.

LALA HANS RAJ VAKIL: Have the Ministers also paid a visit to those places?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): He says that the high officers also pay visits to those places.

MR. PRESIDENT (The Hon'ble Mr. justice K. L. Kichlu): The Secretary Praja Sabha will read his report about those bills which have received the assent of His Highness the Maharaja Bahadur.

PANDIT HIRANAND RAINA (Secretary Praja Sabha) : Sir, I beg to submit that a bill termed as "A bill to amend the Land Revenue Regulation No. 1 of 1980" passed by the Praja Sabha on 26th October 1937 has received the assent of His Highness the Maharaja Bahadur since the last meeting of the Praja Sabha.

MIRZA M. A. BEG : What happened to the Kahcharai Bill ?

PANDIT HIRANAND RAINA (Secretary Praja Sabha) : It was a Taxation Regulation and was submitted to the Government which has to pass it. His Highness the Maharaja Bahadur's assent has not yet been received.

THE HON'BLE SIR LAL GOPAL MUKERJI KT : It was a Money Bill and it was for the Council to pass it. But so far it has not received the assent of His Highness the Maharaja Bahadur.

MIRZA M. A. BEG : May I understand that the Council has agreed to the suggestion of the Praja Sabha.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : With slight amendments.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L Kichlu): Now the Hon'ble Sir Lal Gopal Mukerji, Law and Revenue Minister, will present the report of the Select Committee about Civil Procedure Amendment Bill which has been published in the Government Gazette No 20 (*a*), dated 4th March 1938.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : Sir, I move that the report of the Select Committee about Civil Procedure Amendment Bill be taken into consideration.

PANDIT AMAR NATH KAK : Point of order, Sir. I want to draw yeur Lordship's attention to Rule No. 60.

NOTE.—The rule referred to was read out. This report does not satisfy the provisions contained in this rule The report ought to have been published in the Government Gazette. Then I want to invite your Lordship's attention to rule No. 61.

NOTE.—Rule No. 61 was read out.

I received the Select Committee report by post on Tuesday last. The date of despatch as shown therein is 7th March but it seems that it has been sent from the Jammu Post Office on the 8th and it reached Kashmir on the 11th; there were holidays from 10th and today is the first office day. The object of sending the report of the Select Commitee to the members was that if they wanted to propose any amendment to any of the provisions of the bill, they might do so. It is necessary under rule No. 62 that the amendments should be submitted to your Lordship two days before these are to be taken into consideration. But it was not possible to submit these two days earlier as we did not receive the report seven days in

advance. Owing to these objections I submit that the consideration of the report be postponed.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: The objections are valid. In fact, I received some of his amendments to-day and could not find any time to look into them. If you agree then this bill may be postponed till next official day, that is, the 28th of March 1938.

PANDIT AMAR NATH KAK: Yes Sir, I agree.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Does the House agree to the suggestion of the Hon'ble Law and Revenue Minister ?

NOTE.—The House agreed to the postponement of the consideration of the Select Committee Report on the 28th March 1938.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Now the Hon'ble Prime Minister will introduce the Press and Publications Amendment Bill.

MIAN AHMED YAR: Point of order, Sir. Just as my learned friend Mr. Kak, raised a point of order, so under rule No. 53 I also submit that this bill ought to have been made available to us three days earlier. The Government should know this fact also that in the Illaqas of Srinagar the mail is delivered after a week's time. Owing to this reason, we could not receive this bill three days before the introduction of the bill in the House. The bill is being introduced in continuation of the direction of rule 53.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): The bill has been published in the Government Gazette dated the 21st Phagan 1994.

MIAN AHMED YAR: Sir, kindly see rule No. 53.

NOTE.—Rule No. 53 was read out.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): The bill was published in the Government Gazette dated the 21st Phagan and was sent to you by the office on the 7th of March and it is the 16th of March today.

MIRZA M. A. BEG: The question is whether it was made available to the members in time.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Yes, it was sent to you on the 7th of March and it is 16th of March today.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Now the Hon'ble Prime Minister will introduce the Press and Publications Bill.

THE HON'BLE PRIME MINISTER: Mr. President. Sir, in rising to introduce this Press and Publications Amendment Bill and to move that it be taken into consideration at once, I do not propose to detain the House for long. The

history of this legislation is, I am sure, familiar to the hon'ble members. The first Press and Publications Regulation in this State appears to have been passed in 1989. That was passed on the 25th of April 1932. The Indian Criminal Law Amendment Act of 1932 came in later and some portion of it was incorporated in the Amendment Regulation of 1989 which was passed on the 11th of April 1933. That was followed by another amending Regulation No. 3 of 1990 corresponding to July 1933. That amending Regulation of 1989 was ordered to be enforced for a period of three years and that period expired in April 1936. A bill was drafted before the provisions of that Regulation had expired for the purpose of making it a permanent feature of the Statute Book of the State That bill was published in the State Gazette but was not proceeded with. It was not proceeded with at the time perhaps because it was thought that the effect of the amending Regulation had been sufficient to render the perputation of that Regulation unnecessary, but during the last two years experience has been different. I myself, very soon after I assumed the responsibilities of the administration here, had to consider proposals which were put up before me for reviving that bill of 1936 which was calculated to make permanent the Regulation No. 28 of 1989, as amended by the Regulation of 1993, but I considered it premature to put up such an important measure before the House until I had gained some experience of the conduct of journalism in the State. I have had a certain amount of experience during the last year. During the last eleven months, the conclusion has been forced upon me that the bill which was not proceeded with in 1936 should not be brought on the Statute Book, not in its entirety but in any case to the extent necessary for the purpose of producing a healthy journalism in the State. I do not wish to go into details nor do I wish to name any particular journal. I hope hon'ble members will bear me out that the present condition of journals or newspapers whether weeklies or monthlies is such as demands that a certain amount of pressure should be exerted on them for the purpose of making them more responsible than what they are today. To put it shortly, it seems to me that the defects of journalism in the State may be summed up in two words; communalism and a conscious or unconscious provacation an incitement of an insurrectionary attitude towards constituted authority. These words I have used with deliberation and with all the coolness that I can command. Hon'ble members, I am

sure, will endorse my view that, there are certain journals which promote such features of journalism and therefore it is necessary that there should be vested some authority in the Government of the State to pull them up, to tome them up and to make them more responsible than what they are today; I want to make it clear at the same time that the object of this bill is not to curtail the legitimate liberty of the press but it is most necessary that that liberty should not degenerate into license for doing things which are undesirable. It will not be necessary for me to tell the hon'ble members of the House that myself and my colleagues have exercised the greatest restraint in dealing with the press during the last year. There have been cases in which we have obtained legal opinion—and I am fortunate in commanding the legal opinion of a person who had long and distinguished experience as one of His Majesty's judges in one of the major Indian Provinces that journals have been guilty of offences under Section 124 (*a*) of the Penal Code, and yet we have stayed our hand and preferred to give a warning only to such journals so that they might improve and thereby avoid prosecutions or convictions for such grave offences as come within the purview of the Criminal Law. During the few months I have been here, there have been numerous cases in which I have exercised that discretion. I have so far demanded security only from one newspaper during all the 11 months that have passed since I arrived. But unfortunately all this restraint has not had the desired effect which, I thought, would result from a generous policy on the part of the Government in applying the law. The law has been defective in the sense that for very objectionable things that appeared in journals the only action that we could take was to launch a prosecution under the Penal Code. You know what that means? It is much better for the journalists themselves that the Government should instead of instituting a prosecution for an offence of sedition have the alternative powers to demand security from the newspapers so that they may help journalism to be conducted on healthier lines and thereby contribute to public tranquility in the State. Unfortunately that part of Section 10 of the Press and Publications Regulation which was introduced by the amending Regulation No. 28 of 1989 under which we could have done so ceased to have effect on the 11th of April 1936. And thus it will be seen that while we were unwilling to impose hardships on the newspapers, we, in practice, found that a prosecution for

substantive offence was the only remedy available in the case of particular offending newspaper and that we were helpless to pull it up by demanding security. That is the reason why we are trying to reintroduce the law the provisions of which ceased to have effect from April 1936. Well, some of you might ask how public order has been maintained even during the last 11 months. My answer is that public order has certainly been maintained but there has certainly been no lack of encouragement to defy the law by certain newspapers at certain times and no lack of encouragement of flouting duly constituted authority. If public order has been maintained, it is rather attributable to the sturdy common sense which characterises the great bulk of the population of the State, both Muslims and Hindus (Cheers). Their instinctive loyalty to the maintenance of the essential of civilized life and social order has greatly contributed towards this achievement. It is also due to some extent perhaps to the small circulation of most of the newspapers. Their circulation is generally counted in hundreds and it has been reported to me that the circulation of not a single paper has run into even a single thousand. The mischief, however, is that there are certain small sections which attempt to rouse ill feeling or to defy authority or encourage communal bitterness and therefore it is necessary that we should help the public in maintaining order and to put a restraint on the publication of matter of that sort ; and that I think is a service which we should do, not merely in the interests of the public but in the interests of these very newspapers. It is much better that they should be educated to develop an attitude of vigilance, independence and of even strong criticism of Government policy. I am sure that even the hon'ble members sitting on the opposite benches have also this only object in view *viz.*, that the newspapers should develop an independent and responsible attitude as regards the matters which pertain to public good and raise the morals of the Press. Well, we welcome the right sort of criticism. If don't want to prevent healthy criticism being made and I am prepared to confess that on several occasions, criticism will directed towards what we do, have had the effect of improving administration and removing alleged irregularities which, in your eyes, we are guilty of.

I would here strike a personal note. I myself have been connected with the press, in some form or other, for nearly forty years. I think this connection started even while I was in college and I may mention that my family

has given to journalism a number of votaries who gave up better careers in life for the purpose of serving the country through journalism. And I claim that my sympathies are in favour of the healthiest and the most independent type of press. And if I make myself responsible for asking the House to pass this particular measure, it is because I feel that the best interests of the State and the public demand that the existing methods of the press, its mode of comments, the tone and language it employs should be improved in such a way that they will conform to the best traditions of healthy and responsible journalism.

I have already said that the object of the present bill is not to place restrictions on free expression of opinion but to help in pulling up both the tone and the healthy influence of the press. I would only mention in this connection the fact that the bill tries to embody the provisions of the British Indian Law which we have incorporated in the amending Regulation of 1989. Even so we have struck out from those provisions, portions which we here consider unnecessary. Well, you will find that the bill consists of three clauses. The first clause is a formal one. Clause 3 is another formal amendment about which I will say nothing. Clause 2 is really the important portion of it.

Well, as regards clause 2, you will find that we have not included the following clause which appears in the British Indian Enactment—That is:—

"To put any person in fear or to cause annoyance to him and thereby to induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do or to omit to do any act which which he is legally bound to do."

This clause presumably had its justification in the conditions which were prevailing in the Province of Bengal. I do not think there are any such conditions in the State. Hence it is unnecessary to incorporate that particular clause. And if we look at clause 41 of Section 4 of the Press Emergency Powers Act, you will find that I have omitted the latter portion of the clause which refers to the refusal by any person to pay land-revenue, taxes or any other amount payable to the Government or a local authority.

We have not so far had any serious propaganda in favour of non-payment of taxes in the State either to the Government or to a local authority. Therefore it is unnecessary for us to include that particular portion of

that clause. Further if we turn to clause (*g*) of the British Indian Act, we shall find that the words used therein are " to induce a public servant or a servant of a local authority to resign his office or do any act or to forbear or delay to do any act connected with the exercise of his public functions."

For the word "induce" we have substituted the word "intimidate" and we have omitted the words "to resign his office". That we consider unnecessary. Well, I point out to you these differences between the British Indian Enactment and our bill to show that, in the matter of dealing with the press, we really are imposing the least amount of restriction on the press, taking India as a whole.

MR. M. A. BEG: But that is sufficient to kill it

THE HON'BLE PRIME MINISTER: Nothing of the sort. From one point of view it will probably be considered insufficient. I know there is a school of thought which would like to take away all restrictions on the press, but I am afraid, that that school of thought is getting, day by day, less and less support in the world of to-day.

Now as my hon'ble friend has mentioned this point, I might refer to a note which appeared in a Lahore Newspaper on what so great a world figure as De Valera of Ireland had said about the freedom of the press. The Irish Constitution Act says:--

"The State guarantee liberty for the exercise of the following rights subject to public order and morality-- The right of citizens to express freely their convictions and opinion. The education of public opinion being, however, a matter of such grave import to the common good, the State shall endeavour to ensure that organs of public opinion such as the Radio, the Press, the Cinema, while preserving their rightful liberty of expression, including criticism of Government policy, shall not be used to undermine public order and morality or the authority of the State." Well, then De Valera went on to interpret and expound that view of his.

MR. G. M. SADIQ: Our's is not a republican Government.

THE HON'BLE PRIME MINISTER: If a republican Government is satisfied with that much liberty of press, it should be more than enough for the State of Jammu and Kashmir.

Well, commenting on that particluar view of De Valera, "The Tribune", for whose editorials I have a very high regard indeed, because it is always fair in its commeuts

and the points are always well argued out-says:

"When he said (*i. e.* when De Valera said) that "the freedom of the press must have a reasonable meaning," and that that meaning is not and cannot be that the power it wields is an "irresponsible power" a power "released from the responsibilty of right thought and right action", he laid down a proposition to which no right thinking person would for one moment demur."

This is one point on which "The Tribune" commented. Then it went on further and with regard to the responsibility of the press, it said "No newspaper man who has not taken leave of his senses can stand up for the right of a newspaper, by its writings, to endanger the public peace or to set classes, communities or nations by the ear. A newspaper which acts in this way is a public enemy and must be suppressed like all other public enemies." That is "The Tribune's" considered opinion on this point.

Well I mentioned that we are even more generous towards the press than they are in British India. It is unnecessary for me to say that it is very much more generous than any Press Regulation or law you can find in any other State in India. I think I can say that with confidence. I do'nt want to refer to the particular provisions of Regulations in force in other States in this respect. That are well known. That being so, the only question that can be considered is the point to which "The Tribune" took some exception in De Valera's speech to the saying that newspapers are generally liable to abuse the liberty they enjoy, he proceeded to consider who was to be a judge to find out whether in reality the abuse of the liberty of the press had actually taken place or not and expressed his view that it must be the authority which is accredited with the heavy responsibility of maintaining law and order. "The Tribune" has taken exception to this on the familiar ground *viz.* that the Executive should not be the judge of something which it itself complains of. Well, my answer to this is that, so far as our own legislature is concerned, while the bill proposes to give powers to the Minister-in-charge of the press to demand security from any body who incites or acts in the manner referred to in the particular clause of the bill, it also gives the newspaper men the right to move the High Court for a judicial pronouncement in such matters *viz.* whether the action taken by the Minister in a particular case was in order and if not to have it set aside. There can therefore be no complaint that under this bill the Executive is the final authority in this particular

matter. I think therefore I am justified and am perfectly right in saying that the objection which is usually raised in this connection has got no leg to stand upon. I might say for myself as Prime Minister and for any other Minister who may be in charge of the press, the procedure which he usually follows is before taking action for demanding security, to consult legal opinion. This is a necessary precaution, no any action that Government take may have to be dependent in a judicial proceeding and if a newspaper cannot convince a full bench of the High Court in its own favour, it can have no legitimate grievance.

I don't think I need say more on this bill and hope you will pass the motion *viz.* that the bill be taken into consideration.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Does anybody object to the bill being taken into consideration ?

MIAN AHMED YAR : Sir, I have to oppose the motion for the introduction of this bill.

Mr. PRESIDENT (The Hon'ble Mr. Justice K. L Kichlu) : All of you might have been informed that the ballot for resolutions will be held to-day after 2 P. M. and if we meet after 2 P. M. then this work will have to be postponed till to-morrow.

MIRZA M. A. BEG : A fairly large number of members will speak against the motion therefore time should be allowed for its consideration. Moreover we have not received the notice you have referred to.

MR. PRESIDENT (The Hon'ble Mr Justice K. L. Kichlu): What notice has not been sent to you? Have you not received the circular letter regarding the ballot.

MIRZA M. A. BEG : Since we have to strongly oppose this motion and have also to give a reply to the speech made by the Hon'ble Prime Minister it will consequently take much time. It would be better to put it off till to-morrow.

COLONEL ABDUR RAHMAN KHAN : We have to oppose it and that strongly.

MIAN AHMED YAR : Rule 55 is quite clear.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Would you not like to speak what you want after the lunch and after that the ballot will be held ?

MIRZA M. A. BEG : After the business is over.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): If all of you want that the ballot should take place after the business is over or after 4 o'clock, then this motion will be discussed again after the lunch.

KHAWAJA GHULAM MOHAMMED SADIQ: It will be inconvenient for the members to stay here after four o'clock.

MIAN AHMED YAR: This measure can be postponed.

MIRZA M. A. BEG: Yes, this can be postponed and the balloting proceeded with. I do not think anything will happen during the night which Hon'ble the Prime Minister fears.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: Nothing will happen even if it is taken up six months hence.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Any how we will again meet after two o'clock.

MOULVI MOHAMMAD ABDULLA: Sir, time may be given to me, because I too have to say something about this motion.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: Sir, I support the motion.

AFTER LUNCH.

MIAN AHMED YAR: Sir, before I oppose this motion I think it necessary to say that some of the hon'ble members of the Praja Sabha and other persons do not know English and thus they cannot understand the speech of the Hon'ble Prime Minister. Regarding this motion I would like to submit that this bill relates to an important problem of life, namely the Press and Publication, and therefore it is necessary that all the members should understand this speech thoroughly, as it would be difficult for the members to participate in the discussion relating to this bill under Rule 55, unless they have understood the speech made by the Hon'ble Prime Minister. My submission is that in view of these reasons some time for considering the matter should be given to the members before proceeding with the motion further. Moreover, with a view to making it convenient for all the members to discuss this bill it should be postponed for the present.

MOULVI MOHAMMED ABDULLA: Yes Sir, time should be given so that the translation could also be supplied to us.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: Sir, I have not been able to understand what translation is being demanded by the members.

MIAN AHMED YAR: Translation of the speech.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: There is no rule under which translation of a speech can be supplied.

MIAN AHMED YAR: Sir, their is a rule.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: What is that rule?

MOULVI MOHAMMED ABDULLA: It is provided in the rule that if any member demands translation, it should be supplied to him.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: Which of the rules provides that Urdu translation of an English speech should be supplied.

MOULVI MOHAMMED ABDULLA: This means that it is useless for a person to become a member of the Praja Sabha, if he does not know English; because if they cannot understand a thing, how can they be expected to do anything for the welfare of the people. As a matter of principle it does not seem proper. In the first place I think there is a rule under which translation has to be supplied, otherwise the attendance of members would be useless.

Under such circumstances one fails to understand whether any work of public utility can be done or whether things can be sifted propely.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L Kichlu): You should refer to a specfic rule.

MOULVI MOHAMMED ABDULLA: It is not necessary that only the graduates can be the members of the Praja Sabha; but on the other hand education is a sufficient qualification for becoming a member of the Praja Sabha. My submission is that a person who does not know English cannot participate in such matters and when most of the members of the Praja Sabha do not know English, how can it be expected that they would understand a matter thoroughly and give their definite opinion in the matter. But on the other hand it seems that they have come here as spectators. Secondly when a new member is sworn in he is required to take an oath of allegiance by holding a religious book in his hand that he would discharge his duties honestly. But under such conditions one cannot abide by the oath. Therefore taking these facts into consideration this motion should be postponed, for 2 or 3 days so that the members may be able to express their opinion after ascertaining the views of the public

THE HON'BLE SIR LAL GOPAL MUKERJI KT: The rules do not provide for a translation of speeches. At any rate for the information of the members I will state the purport of Hon'ble Prime Minister's speech in a few words. It will not be possible for me to give you an exact translation of his

learned speech at this moment. I will however give you a brief resume of his speech.

About three or four years ago Press Act was promulgated in British India.....

MIRZA M. A. BEG: How would you translate Press Act ?

THE HON'BLE SIR LAL GOPAL MUKERJI KT: "Qanoon Chhapa Khana".

PANDIT LOK NATH SHARMA: He thinks, "Press stands for pressure". (Laughter)

THE HON'BLE SIR LAL GOPAL MUKERJI KT: The Press Act was first enforced in British India for three years and subsequently in 1936 this act was placed on the Statute Book to be enforced permanently. In 1936 no such step was taken in the State whereby this law could be permanently enforced In 1937 when the Hon'ble Prime Minister came to the State he felt that the articles of a very objectionable nature are published in the local papers. You know the type of articles which are published in local papers. They always aim at causing communal friction so that the Government may not be able to carry on administration smoothly and the people may lose all regard for the Government. Therefore, it is essential that the bill be taken up again for consideration. You must have noted that only recently Sir Sikandar Hayat, the Prime Minister of the Punjab, called together the editors of the different local papers and exhorted them to write, as far as possible, reasonable and responsible articles so that the differences of the people may be removed and better relations may be developed. He told them that they should try to create a healthy atmosphere and should not interfere in the affairs of the Government.

KHAWAJA G. M. SADIQ: You can also do the same.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: Here the editors are given the fullest liberty and no restrictions have been imposed on them. At present if the editors transgress the bounds of law then the Government have no other option but to get them punished under section 124(*a*) and section 153 of Ranbir Penal Code or to get them prosecuted under section 108 of Criminal Procedure Code. On the other hand under the new law, they will be served with a warning and will be called upon to furnish security. And if they decline to furnish security and think that the demand is an unjust one they can approach the High Court. If the High Court finds that they are justified it will decide the case in their favour and

furnishing of any security will not be necessary. The attempt that is being made today is just the same as was made three years ago. Besides, you should know that the Press law was promulgated in the State after removing many restrictions on the contrary, you must have noticed that the Press law was enforced throughout British India without any exception.

KHAWAJA. G. M. SADIQ: Was it enforced in 1931 or 1936 ?

THE HON'BLE SIR LAL GOPAL MUKERJI KT: In 1936. In this very year it was passed as a permanent law. Formerly it was adopted s a temporary measure but now the word "temporary" has been deleted from it.

In our State we have tried to make the law more simple and mild. If you do not approve of this law, then, in case the editors and proprietors of papers infringe the rules they will be prosecuted and if they are punished, the punishment may be very severe ranging from one to three years. Or, they will be bound over under section 108. The proposed law is less cumbersome, very effective and mild. No body need have any grounds of fear on account of its promulgation. If it be found that by enforcing this law great handicaps will be put on the press and securities will be demanded from the owners of the press, without reason, in that case they have a right to approach an independent body, namely the High Court. If the High Court decides in their favour the Gov rnment can have no objection to it This is, in brief the purport of Hon'ble Prime Minister's speech.

PANDIT JIA LAL KILAM: You have not said anything about De-Valera?

MIAN AHMED YAR: We have requested for three days time to be granted so that all the members may be able to give notices of their amendments.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): But you have given notice of your amendment.

MIAN AHMED YAR: Had there not been five holidays there would have been absolutely no difficulty. Therefore it is requested that this bill instead of today may be taken into consideration after three days. Nothing wrong would happen. It is very difficult to participate in the discussion on this bill without getting sufficient time. Although there has been no opposition from the Government yet from the speech of Hon'ble Revenue Minister it appears that the Government desires that the bill be taken into consideration at once. Therefore it is upto you, Sir, to

decide whether it is necessary or not to give some time for preparation to discuss this matter.

LALA HANS RAJ: Will the proposal which Mian Ahmed Yar has said be accepted or not?

VOICES: Yes, you also support him.

LALA HANS RAJ: If two or three days' time is given for the preparation then all the members will be able to understand this bill thoroughly.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: Sir, may I know what exactly is the suggestion of my hon'ble friend?

MIAN AHMED YAR: Sir, the suggestion which I have submitted to the Chair is that in case this particular business is adjourned for some days and all members are given time to consider the measure proposed, they will have thereby an opportunity to think over the bill with a cool and calm mind and will come prepared to take part in the discussion and to put their views before the House. Before the motion for taking into consideration this bill is passed the House is entitled to discuss the matter. This is an important measure, Sir, and it will affect the whole of the country as it has to choke the press and therefore such a serious measure must be discussed thoroughly. This is my submission, Sir that if some days are given for the consideration of the motion, it will be most justifiable on the part of the Government.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: There is no specific proposal; is it desired that the matter should stand over for consideration or the discussion should be adjourned to some particular date?

MR. M. A. BEG: Sir, it may be postponed to Monday next.

MR. PRESIDENT (The Hon'ble Mr Justice K. L. Kichlu): But it is not an official day.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: Personally and on behalf of the Government, I am quite prepared to agree that this bill should stand over. I understand that Saturday next is an official day. I have no objection to its standing over to Saturday the 19th March.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Saturday the 19th March.

VOICES: That is right.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): So far as we are concerned at this moment the motion is that this bill be taken into consideration. There is no opposition so far as that particular motion is concerned.

SOME VOICES : No, Sir.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : So you want that in order that you should have an opportunity of debating the matter, the debate might be adjourned for two days.

MIRZA M. A. BEG: The House is still in possession of the motion for consideration. We are at the stage of consideration.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : In the first place the question will have to be put whether the House has any objection to this particular motion which is before the House at present and after that the amendments if any will be taken up for consideration.

MIRZA M. A. BEG : Before we rose for lunch, I did give an idea that we are opposing the motion. Now on the 19th of March the consideration of motion will be debated.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR : I think the procedure indicated by my hon'ble friend is this. I have moved the motion that this bill be taken into consideration. In the ordinary course of things the debate should have continued this afternoon What they want is that they should have a little more time before engaging themselves in this debate. I have no objection to this motion standing over till Saturday. After this motion is carried, we shall go on with the further procedure regarding amendments to particular clauses of the bill.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. The request is that consideration of the motion be postponed

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Do all the members agree that the motion for consideration be postponed for two days.

SOME VOICES : Yes, yes.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): We will take it up when we meet on Saturday the 19th March. Do you agree that this bill be postponed till Saturday.

NOTE. -The House agreed.

MR PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Now the Hon'ble Home Minister will present the report of the Select Committee on the Wireless Telegraphy Bill.

NOTE —The report of the Select Committee on the Wireless Telegraphy Bill has been published in the Jammu and Kashmir Government Gazette No. 7, dated 2nd December 1937.

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN : Sir, I move that the Wireless Telegraphy Bill as reported by the Select Committee be taken into consideration under Rule 61 of the Rules of Business and Procedure. I think no member would have any objection with regard to this

motion. After this I shall move that the bill be passed into law.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: I second it, Sir.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): The motion before the House is that this bill as amended by the Select Committee be taken into consideration.

Note—The whole House agreed and the motion was adopted.

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN: Now I move that the bill be passed.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Since there is no amendment with regard to this bill nor is there any opposition to it, it has been moved that the bill as amended by the Select Committee be passed.

Note.—The motion was adopted by the House and the bill was passed.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Now the Hon'ble Law and Revenue Minister will present the report of the Select Committee on the Tenancy Amendment Bill.

Note.—The report of the Select Committee on Tenancy Amendment Bill has been published in Jammu and Kashmir Government Gazette No. 19 dated 24th February 1938.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: Sir, I move that the Tenancy Amendment Bill as reported by the Select Committee be taken into consideration.

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN: I second it, Sir.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): The motion is that the Tenancy Amendment Bill as reported by the Select Committee be taken into consideration. There is no amendment with regard to this bill and the motion is carried.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: Sir, I move that this bill be passed into law.

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN: I second it, Sir.

MIAN AHMED YAR: So far as the motion for the consideration of the bill is concerned it was not necessary that it should be supported or seconded. The Hon'ble Minister proposed the consideration and somebody supported it.

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN: I take it back.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Now the motion before the House is that the bill be passed.

Note.—The House accepted the motion and the bill was passed.

Note.—The House adjourned till Thursday the 17th March 1938.

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THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)

VOLUME VIII

2ND DAY

(17th March 1938)

OFFICIAL BUSINESS
EIGHTH SESSION
OF THE
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President :

THE HON'BLE MR. JUSTICE K. L. KICHLŪ,
RAI BAHADUR.

Secretary:

PANDIT HIRANAND RAINA, B. SC., LL. B.

Assistant Secretary:

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JAMMU AND KASHMIR PRAJA SABHA.

Thursday, the $\frac{17th\ March\ 1938.}{3rd\ Chet\ 1994.}$

The Praja Sabha met in the Praja Sabha Chambers at Ajaibghar Jammu at Eleven of the Clock.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) in the Chair.

QUESTIONS AND ANSWERS.

64. MIRZA MOHAMMED AFZAL BEG : (*a*) Is it a fact that the Revenue Department pay the Lambardar "Panjotra" at the rate of 5 per cent. for collection of the land-revenue whereas the Irrigation Department pay only 3 per cent. of their receipts?

(*b*) If reply to part (*a*) be in the affirmative, then, it may be stated whether the Irrigation Department will also allow "Panjotra" to zamindars at 5 per cent.?

K. B. RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister) : The Praja Sabha Sad is referred to reply given by the Hon'ble Home Minister to Q. D. No. 75.

(*a*) Yes.

(*b*) The rate of Lambardari fee was raised to Rs. 4 per cent. from Rs. 3 per cent. on the recommendation of a Committee appointed by the Government to consider the rules for the management of the canals in the State. This rate of 4 per cent. is being allowed from the Fasli year 1990-91. The Committee allowed this rate in view of the fact that the Lambardars have to render much less service to the Irrigation Department than that they have to render to the Revenue Department for the remuneration paid to them. In these circumstances it is not reasonable to raise the rate to 5 per cent.

65. WAZIR MOHAMMED KHAN : As the women of Astore Tehsil are backward and do not get themselves medically treated by men and they suffer from several diseases, will Government therefore order for opening a new Zenana Hospital in Astore?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister) : It is regretted that the proposal of opening a Zenana Hospital at Astore is not practicable yet.

66. WAZIR MOHAMMED KHAN : Are Government aware that

there are one or two local Primary school teachers in Astore one of them is a Matriculate? But they are both appointed in Primary school?

If the reply be in the affirmative, are Government prepared to appoint local teachers in Astore Middle School?

PANDIT RAM NATH SHARMA : It is not necessary to appoint local men in Middle Schools only. They can be appointed in Primary schools also according to the requirements of the Department.

67. MIRZA MOHAMMED AFZAL BEG : (*a*) Are Government aware that according to the recommendations of the Glancy Commission and His Highness' orders on those recommendations the local persons should be preferably appointed on local posts? (Read P. 4, His Highness' orders on the recommendations of the Glancy Commission).

(*b*) If reply to part (*a*) be in the affirmative, then, it may be stated how many posts of Patwaries, Forest Guards and Game Watchers fell vacant during the last five years in Tehsil Anantnag and Kulgam and what persons were appointed on these posts?

K. B. RAJA MOHAMMED AFZAL KHAN : *Revenue Department.*—(*a*) Yes.

(*b*) Six posts of patwaries fell vacant in Tehsil Kulgam and three in Tehsil Anantnag during the last 5 years. Five of these posts were filled up by reduced Settlement hands and four by local trained candidates.

Forest Department.—(*a*) Yes.

(*b*) *Forest Guards.*—14 of these six were filled up by Forest Guards transferred from the Keran Division, belonging to the valley and five were given to local men, 3 by direct appointment and 2 by promotion.

Game Watchers.—One post fell vacant in Anantnag Tehsil and was given to a local man. No post fell vacant in Kulgam Tehsil during last five years.

MIRZA MOHAMMED AFZAL BEG : In the last portion of my question I had inquired "who were the candidates or applicants for these local posts"? The residence of the persons appointed may also be mentioned?

The reply to this has not been given. What places did the reduced Settlement employees of the Revenue and the Game Departments belong?

K. B. RAJA MOHAMMED AFZAL KHAN (Revenue Commissioner) : In the reply it has been stated that all these persons belonged to the Valley.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : (Addressing Mirza Mohammed Afzal Beg) Do you want reply to the last para of part (*b*) of your question?

MIRZA MOHAMMED AFZAL BEG : Yes, Sir.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : No reply has been given with regard to the last portion of part (*b*) of the question. He is enquiring about it.

K. B. RAJA MOHAMMED AFZAL KHAN : Sir, I have stated that these persons belong to the Valley. Government regard persons living in the Valley as local persons.

MIRZA MOHAMMED AFZAL BEG : His Highness has commanded that on all posts carrying low salaries such as the posts of Watchers, Constables and Patwaries only local men should be appointed. Will it kindly be stated what was the intention of such a command. Does it mean that all persons coming from Valley should be regarded as local persons?

K. B. RAJA MOHAMMED AFZAL KHAN : As a matter of principle Patwaries are not posted near about their homes.

MIRZA MOHAMMED AFZAL BEG : You leave the principle aside. That is a different matter. My question is whether the commands of His Highness with regard to this matter have been complied with or not?

And if not, what are the reasons?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : It appears that he has not got with him information about this matter at present.

MIRZA MOHAMMED AFZAL BEG : Then I submit Sir, that this question be kept pending till the information is obtained and afterwards reply may be given to me.

K. B. RAJA MOHAMMED AFZAL KHAN : Alright. Reply will be given afterwards.

68. KHAWAJA ALI MOHAMMED : (*a*) Will Government please state, if the Rajput School housed in a part of the Ajaibghar building is not a private institution?

(*b*) If the answer to (*a*) be in the affirmative, will the Government please state whether they are charging any rent from the said school for the use of a portion of this Government building? If not, will the Government state reasons for it?

(*c*) Do Government know that the members of the Praja Sabha and the staff of the Praja Sabha Department are experiencing great inconvenience for want of satisfactory and adequate accommodation? Do Government also know that there are no refreshment rooms provided for the members nor there is a separate room for the Praja Sabha library?

(*d*) If the answer to (*c*) be in the affirmative, will the Government remove the Rajput School from the Ajaibghar buildings to provide sufficient and suitable accommodation for the members and the staff of the Praja Sabha?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister) : (*a*) It is not a Government institute.

(*b*) No. Government have granted this concession to this institution in the same way as they have given other concessions to other institutions.

(*c*) Government are not aware that the inconvenience, if any, is great. Government are prepared to consider proposals for providing refreshment rooms and a library.

(*d*) Does not arise.

69. MIAN QURBAN AHMED : (*a*) Are Government aware that a large number of the challenged State-subject certificates of class Ist which were challenged had been filed by the Enquiry Committees without giving their opinion on the validity or non-validity of these certificates, whereas sufficient material for forming their opinion was available in the concerned files?

(*b*) If the reply be in the affirmative, will the Government kindly state as to what is the position of such filed certificates? Can they be challenged or enquired into again? If not, why?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Government have no reason to think so.

(*b*) Does not arise.

MIAN QURBAN AHMED : Has any inquiry been made with respect to this matter or the reply is based merely only on presumption?

RAI BAHADUR PANDIT RAM CHAND KAK : Inquiry has been made and reply given. It is based on the report of the officers concerned.

70. MIAN QURBAN AHMED : Are Government aware of the fact that certain State-subject certificates of class Ist which had been challenged and withdrawn or which had not been prosecuted by certain person or a party were cancelled and there are others which on the pretext of withdrawl of challenges, were confirmed without making any enquiry into the matter?

(*b*) If reply be in the affirmative, will Government please state the reasons of such a differential treatment?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) No.

(*b*) Do not arise.

71. MIAN QURBAN AHMED : (*a*) Are Government aware of the fact that the Dogra Sabha had challenged thousands of State-subject certificates and afterwards it had withdrawn these certificates?

(*b*) If reply be in the affirmative, will Government kindly state why the Committees had not made an enquiry and given their opinion in the case of the certificates which had been withdrawn and why the people had been entirely left at the mercy of the Sabha?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Many certificates were challenged by the Dogra Sabha in Jammu but none in

Kashmir. The Sabha however later withdrew their objections against many of them.

(*b*) Findings were recorded by the Committees in each case after due enquiry.

LALA SHIV NATH NANDA : Has the Sabha any right to withdraw a certificate after it has been once challenged?

RAO BAHADUR THAKUR KARTAR SINGH JI (State Councillor) : When it is convinced that the person whose certificate has been challenged is a *bonafide* State-subject then it withdraws the challenge.

LALA SHIV NATH NANDA : Have Government fixed any limit with regard to it?

RAI BAHADUR PANDIT RAM CHAND KAK : I do not exactly follow the objection. The reply is that in each case investigation was made and the decisions arrived at after such investigation.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : (Addressing the Hon'ble Member) He says that decision has been arrived at after investigation.

MIAN AHMED YAR : Will it be stated whether a branch of the Dogra Sabha was established in Kashmir whose duty it was to challenge the State-subject certificates?

RAI BAHADUR PANDIT RAM CHAND KAK : Our report is that no certificate was challenged by the Dogra Sabha in Kashmir.

MIAN QURBAN AHMED : The written reply that has been supplied to me contains that Dogra Sabha challenged the State-subject certificates in Kashmir as well. (Cheers from opposition Benches).

PANDIT HIRA NAND RAINA (Praja Sabha Secretary) : You read the reply carefully there it is written "and not in Srinagar".

72. MIAN QURBAN AHMED : (*a*) Are Government aware that for instituting suits for declaration of rights in connection with State-subject certificates, a notice of four months is required in the first instance and after that there can be no hope of the final decision by the court for a long time due to the well-known "Laws Delays" and besides great expenditure has to be incurred on it?

(*b*) If reply to part (*a*) be in the affirmative, will Government please allow at least one appeal to the Hon'ble Revenue Minister? If not, why?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Yes, under Section 80 Civil Procedure Code a notice of four months is necessary. Civil courts are expected to decide suits as early as possible.

(*b*) No.

73. MIAN QURBAN AHMED : (*a*) Will the Hon'ble Revenue Minister please state whether Government realize the amount of Rs. 9/2/0 as revenue from graveyard of Khanqah Chattar Shah Wali in village Parol, Tehsil Kathua?

(*b*) If reply be in the affirmative, will the Hon'ble Revenue

Minister please also state as to what are the reasons for realizing the revenue from the graveyard?

(*c*) Does the Hon'ble Minister know that the claimants of Chattar Shah Wali graveyard were the inhabitants of British territory and had since long died but the revenue is paid to the Government by the inhabitants of Chatra village by collecting 4 annas per dead body?

(*d*) Is the Hon'ble Revenue Minister prepared to put an end to the occupancy tenancy and convert it into graveyard and whether he is prepared to award the occupancy rights in respect thereof to the Muslims? If not, why?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) Yes. Rs. 8-11-9 on account of land-revenue are being realised.

(*b*) Land measuring 41 kanals 11 marlas, consisting of Khasra Nos. 128, 129, 130, 131 and 138 in village Parol, Taraf Pain, Tehsil Kathua, is held under occupancy rights by Mst. Asmat Bibi widow of Fazal Hussain and Sadiq son of Faqir Shah of Sialkot under Shamlat-i-Deh Hasab Rasad Khewat. Out of this Khasra Nos. 128, 129 and 130, measuring 11 kanals 14 kanals 3 marlas, and 1 kanal 11 marlas form Khanqah, graveyard and Kuhl, respectively. This plot of land, measuring 26 kanals 14 marlas, is not assessed. The remaining two Khasras *i. e.*, Nos. 131 and 138, measuring 14 kanals 17 marlas, being cultivated are assessed to land-revenue. The occupancy tenants are reported to have leased out this plot of land for a sum of Rs. 12 per annum, the lessee paying the land-revenue etc. Thus it will be seen that no land-revenue is assessed on Khanqah, graveyard and Kuhl.

(*c*) Yes, the occupancy tenants belong to Sialkot. On enquiry from the inhabitants of Parol it has been found that no Rasum of four annas per dead body is being charged.

(*d*) In such a matter the Government cannot interfere, and the Revenue Minister is not legally authorised to put an end to the occupancy tenancy, because the State is not the landlord of the land in question.

MIAN QURBAN AHMED : Will the names of the persons from whom the enquires were made about this matter be stated?

K. B. RAJA MOHAMMED AFZAL KHAN : Names are not mentioned here. Enquiries were made from local persons.

74. MIAN QURBAN AHMED : (*a*) Are Government aware that the graveyard Mir-jane Shah in village Parol, Tehsil Kathua, has been washed away on account of the flood in the river Ujh and the people have to pay annas 4 for burying every dead body in other graveyard?

(*b*) In view of the sentiments of the people, will the Hon'ble Revenue Minister please grant some area of land for the graveyard to the Muslims and oblige them?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) Out of the total area of the graveyard of Mir-jane Shah measuring 13 kanals 6 marlas only 2 kanals 5 marlas of land have been washed away by the action of Ujh Nallah. The dead bodies are still being burried in the same graveyard and the allegation regarding burrying dead bodies in other graveyards on payment of -/4/- per body is not correct.

(*b*) There is still sufficient place in graveyard Mir-jane Shah for burrial of dead bodies. The question for grant of another place does not therefore arise.

75. MIAN QURBAN AHMED : (*a*) Will the Hon'ble Prime Minister please state whether at present the State employees are being promoted according to their seniority?

(*b*) If reply to the above be in the affirmative, will the Hon'ble Prime Minister kindly state as to whether this is in accordance with the recommendations of Glancy Commission which have been sanctioned by His Highness the Maharaja Bahadur?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Not seniority alone.

(*b*) Does not arise.

MIAN QURBAN AHMED : Will it be stated what other considerations excepting seniority are kept in view in this behalf?

RAI BAHADUR PANDIT RAM CHAND KAK : This is a new question.

76. MIAN QURBAN AHMED : (*a*) Will the Hon'ble Home Minister please state as to how many applications from the people of the village Parol, District Kathua for opening a Middle School and a hospital there have been received? What action has been taken by the Government on those applications? If not, why? Are the Government now prepared to consider the matter?

PANDIT RAM NATH SHARMA : As regards opening of a dispensary at Parol, it is to be stated that only one application was received in this office which was forwarded to the Director of Medical Services for disposal.

The Medical Department is not in favour of opening more dispensaries till the present dispensaries are fully equipped.

The question of the appointment of a Vaid for Parol is, however, under consideration.

Some applications were received for the opening of a School at Parol, but such applications are considered in order of urgency and there are other places where Upper Middle Schools are more urgently needed.

SARDAR DHIAN SINGH : Is it proper that full arrangements be made for starting dispensaries in one Illaqa and every possible facilities may be granted there but on the other hand other Illaqas may be ignored altogether and even ordinary medical relief may not be provided there.

PANDIT RAM NATH SHARMA : No doubt this is what has been stated and this is the reply to the question.

SARDAR DHIAN SINGH : Is one Illaqa going to be deprived of medical aid while the other would be provided for?

PANDIT RAM NATH SHARMA : Reply has been given.

MIAN AHMED YAR : That is shameful.

SARDAR DHIAN SINGH : It is unjust. Are the inhabitants of that Illaqa not the subjects of His Highness?

PANDIT RAM NATH SHARMA : This does not arise from the question.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Provisions are made keeping in view the needs of all places.

MIRZA MOHAMMED AFZAL BEG : Is it not possible for the Government to increase the number of dispensaries and at the same time improve the quality of the existing dispensaries.

PANDIT RAM NATH SHARMA : You can put up a resolution to this effect.

77. MIRZA MOHAMMED AFZAL BEG : (*a*) Is the Girdawari Kharif of 1994 of the villages Haranti, Batta Pura, Damkal, Khawashipura, Hakura, Badulgam, Palapura, Budwara, Amarkhar, Bhuripura, Akungam and Tehsil Anantnag compiete?

(*b*) If reply to part (*a*) be in the affirmative, then, it may please be stated by the Government as to how much of the produce and of which area has suffered on account of scarcity of rains? Has the revenue on the Kharif crops of this area been remitted?

(*c*) If reply to above be in the negative, then, reasons therefor may be explained?

(*d*) If reply to last portion of part (*b*) of the question be in the affirmative, then, it may be stated as to how much sum out of the land-revenue was remitted?

K. B. RAJA MOHAMMED AFZAL KHAN :(*a*) Yes.

(*b*) *1st part.*—Villagewise condition is as under :—

Name of village.		Area sown.	Area of which crops failed.
Branti Batapora	...	7,195	3,609
Ghassipora	...	1,227	424
Palapora	...	638	387
Damhall	...	3,243	666
Mihripora	...	1,201	44
Akingam	...	4,517	613
Hakura Badasgam	...	7,009	600
Badura	...	947	276
Amarkhar	...	1,301	363 in kanals.

2nd part.—No.

(*c*) Action has to be taken in accordance with the rules on the subject.

(*d*) Does not arise.

MIRZA MOHAMMED AFZAL BEG : What are these rules?

K. B. RAJA MOHAMMED AFZAL KHAN : The rules are that if "Kharaba" (damage) be less than eight annas in that case no remission is granted. If it be between eight and ten annas then one-fourth ; if it be more than ten but less than twelve annas then one-half ; and if it be more than twelve annas then whole of the revenue is suspended. It is only under this rule that the revenue of any damage village is suspended otherwise not.

78. MIRZA MOHAMMED AFZAL BEG : Is it a fact that the villages mentioned in Q. D. No. 76, generally suffer from scarcity of rain? If the reply be in the affirmative, then, it may please be stated as to what means the Government have thought out to remedy this grievance? If, as yet no scheme has been chalked out by the Government, will then Government make a remission in the land-revenue till something has been done for these people in this behalf?

K. B. RAJA MOHAMMED AFZAL KHAN : *1st part.*—The villagers referred to cannot be singled out as suffering from scarcity of rain when compared with adjoining villages and the less fortunate Kandi Illaqa.

2nd part.—Does not arise.

3rd part.—The question of improving water supply to this Illaqa is under consideration. It may however be stated for the information of the Praja Sabha Sad that scarcity of water and other things connected with the quality of a soil are fully considered at the time of assessment.

MIRZA MOHAMMED AFZAL BEG : But has not the land under "Abi Awal" increased since the assessment of the land-revenue.

K. B. RAJA MOHAMMED AFZAL KHAN : That is a new question altogether.

MIRZA MOHAMMED AFZAL KHAN : But that is necessarily implied in the last part of your reply wherein you say that scarcity of water and other things connected with the quality of the soil are fully considered at the time of assessment. When you make an assessment, you take into consideration the actual land under the crop of Abi Awal?

K. B. RAJA MOHAMMED AFZAL KHAN : We actually take into consideration the land under the crop of Abi Awal.

MIRZA MOHAMMED AFZAL BEG : Well than how can you make an estimate for the insufficient supply of water by the Irrigation Department at the time of Settlement. You take, as you say, into consideration the land under the crop of the Abi Awal and the

sources of irrigation at the time of settlement or as a matter of fact on different occasion are not taken into consideration.

K. B. RAJA MOHAMMED AFZAL KHAN : These lands are used for raising different kinds of crops for which no necessity for irrigation exists.

MIRZA MOHAMMED AFZAL BEG : My question did not relate to dry crops or those lands on which dry crops are grown. My question related to Abi Awal and Shali crops.

K. B. RAJA MOHAMMED AFZAL KHAN : I do not follow your question.

MIRZA MOHAMMED AFZAL BEG : Then will it be kept pending for the present till you get the full information about it?

K. B. RAJA MOHAMMED AFZAL KHAN : You have asked a definite question and we have given a definite reply. The question you now ask is an hypothetical one.

MIRZA MOHAMMED AFZAL BEG : It is not so absolutely.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : He can answer that question later on. He might require notice for this.

MIRZA MOHAMMED AFZAL BEG : Sir, I submit that my question is sufficiently clear? I don't think that a notice is necessary?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : But you have not made it clear in your question.

MIRZA MOHAMMED AFZAL BEG : The difficulty did not arise from my question but in fact it arose from the reply which has been given to it. In the reply it has been stated that these matters are taken into consideration at the time of assessment. My point is, how at the time of assessment the Government takes into consideration the water supply arrangement and how it satisfies itself that the Irrigation facilities are sufficient with reference to the land on which Abi crops are raised.

K. B. RAJA MOHAMMED AFZAL KHAN : On principle such matters are taken into consideration.

79. MIRZA MOHAMMED AFZAL BEG : Is it a fact that the inhabitants of the villages mentioned in Q. D. No. 76 have applied for the opening of a canal from Kukkarnag? What action has been taken on their application?

PANDIT RAM NATH SHARMA : No information is available.

80. MIRZA MOHAMMED AFZAL BEG : (*a*) Will Government please state as to what is the pay and educational qualifications of the Deputy Jamadar or the Head Watcher appointed on the Rakh mentioned in Q. D. No. 79?

(*b*) Will Government please state as to what extent the Deputy Jamadar or Head Watcher is authorised to fine an individual in case there is any violation of the rules and regulation of the said Rakh?

K. B. RAJA MOHAMMED AFZAL KHAN : Rakh Haigam is

under the Shikarkhana Department in the Hazur Minister's portfolio and as such this question has nothing to do with the Game Branch of the Forest.

81. MIRZA MOHAMMED AFZAL BEG : (*a*) Is the new census of cattle according to new rules over?

(*b*) If reply to part (*a*) be in the affirmative, will Government please state whether recovery of the grazing tax (Kahcharai fee) for Kharif 1994 will be according to new rules of census of cattle? If recoveries are to be made according to old census of cattle, then reasons for its being correct may be stated?

(*c*) If reply to (*a*) may be in the negative, then, reasons therefor may be stated?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) No, because new rules have not so far been finally promulgated.

(*b*) and (*c*) Do not arise.

82. MIRZA MOHAMMED AFZAL BEG : Will the Hon'ble Home Minister please state as to how many applications from the inhabitants of village Diyalgam, Tehsil Anantnag, for the opening of a girls school have been received? What action has been taken on these applications? After how long the Government intend to open a girls school at this place?

PANDIT RAM NATH SHARMA : No applications appear to have been received in the Home office. The question of opening a giri school at Dyalgam will, however, be placed before the Education Standing Committee.

MIRZA MOHAMMED AFZAL BEG : Has not any meeting of the Standing Committee taken place since this reply was made? I think the Standing Committee met.

PANDIT RAM NATH SHARMA : It was not on the agenda. Next time it will be put on the agenda.

MIRZA MOHAMMED AFZAL BEG : You mean next year?

83. MIRZA MOHAMMED AFZAL BEG : (*a*) Is it correct that the jurisdiction of the Anantnag Munsiff's Court extends to a larger area than any other Munsiff's Court, and that there is greater rush of work than anywhere else?

(*b*) Will Government please, in view of part (*a*) above, establish a Sub-Judge's or an Additional Munsiff's Court at that place?

PANDIT RAM NATH SHARMA : (*a*) The reply to the first part is in the affirmative. The work in the court of the Munsiff Anantnag is quite within the control of his presiding officer.

(*b*) In view of the reply to (*a*), (*b*) does not arise.

84. MIRZA MOHAMMED AFZAL BEG : Do Government intend to transfer the Courts and offices located in Anantnag to the previous roval palaces in Inder Bagh? If the answer be in the affirmative, when will the Courts and offices be transferred to the above men-

tioned building? If the answer be in the negative, then, will the Government, keeping in view economy and public convenience, transfer the offices and the Courts to the said building?

RAI BAHADUR PANDIT RAM CHAND KAK : The matter is under consideration.

MIRZA MOHAMMED AFZAL BEG : Since the matter has been receiving consideration for a pretty long time, will it be expedited now?

RAI BAHADUR PANDIT RAM CHAND KAK : Certainly.

85. PANDIT AMAR NATH KAK : Will Hon'ble the Minister-in-charge of the Accountant General's office be pleased to enquire and state :—(*a*) Whether seniority was ignored at the time of granting special lifts to Mr. Mahi-ud-Din and Mr. Shams-ud-Din and other non-Hindu employees of the Department?

(*b*) Whether Mr. Shams-ud-Din was given a post of the Treasury Superintendent over the head of many of his seniors and whether the same gentleman was working as an Examiner in the Finance Office and could not get a Superintendent's post there?

KHAWAJA GHULAM AHMED ASHAI : (*a*) Yes, on communal considerations.

(*b*) Yes. The question of his promotion could not arise as he was borne on the cadre of the Audit office both for purposes of pay and promotion.

86. PANDIT AMAR NATH KAK : Will Hon'ble the Minister-in-charge of the Accountant General's office be pleased to enquire and state :—(*a*) Whether a large number of the employees of the Accountant General's office submitted a representation to Hon'ble the Prime Minister through the Accountant General sending one copy direct showing that the Accountant General had in many cases ignored seniority and granted promotions and made appointments which had effected them adversely and in which Government orders had been over-looked by the Accountant General?

(*b*) Whether the Accountant General asked the persons who had made the representations to withdraw it assuring them that he would redress the wrong? If so, whether subsequent to that also the Accountant General has made any appointments or granted any promotions which have resulted in supersessions?

KHAWAJA GHULAM AHMED ASHAI : (*a*) Yes. The representation was against promotions being allowed on communal considerations from grade to grade—a practice followed by the Accountant General under the orders of the Hon'ble Finance Minister.

(*b*) No. The Accountant General gave them an assurance that the matter was already under the consideration of Government, on which they voluntarily withdrew the representation.

The Accountant General made one or two appointments but

they were in accordance with seniority.

PANDIT AMAR NATH KAK : I will further ask whether the communal representation which has been referred to in the reply is according to grades or office. Does it apply to these officials who draw a salary of twenty or twenty-five rupees per mensem.

KHAWAJA GHULAM AHMED ASHAI : The question is under consideration at present. It will be seen when the matter is decided.

PANDIT JIA LAL KILAM : But we are not at all wiser by this answer. The question is how the communal proportion is fixed? Is it fixed with reference to office or with reference to grades?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The matter is receiving consideration.

SARDAR KANHAYA SINGH : Does the communal representation apply to all the communities?

KHAWAJA GHULAM AHMED ASHAI : It applies to all communities.

LALA SHIV NATH NANDA : Sir, is this communal question not a source of all our mutual disputes?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : It is a matter of opinion.

LALA SHIV NATH NANDA : It is for the expression of opinion, that we are all here. If Government cannot give us any assurance then what is the good of our sitting here. You read about these communal disputes in the papers also.

RAI BAHADUR PANDIT RAM CHAND KAK : But this does not arise from the original question.

87. PANDIT AMAR NATH KAK : Will Hon'ble the Minister-in-charge of the Accountant General's office be pleased to enquire and state :—(*a*) What are the qualifications (academical or otherwise) of Mr. Aziz Khan who has recently been promoted to the higher grade over the head of his seniors?

(*b*) Whether the Hon'ble Finance Minister had ordered in his case that he should be tried in the Audit and whether after he was given higher grade he was tried in the Audit or not? If not, why not?

(*c*) Whether it is a fact that the Accountant General did not on a previous occasion consider Mr. Aziz Khan fit for promotion and subsequently for no reason changed his opinion and promoted him to the higher grade?

KHAWAJA GHULAM AHMED ASHAI : (*a*) He did not possess any definite qualification.

(*b*) Yes, but he could not be spared for transfer to an Audit Section in the interests of Government work.

(*c*) Yes. He was recommended for promotion when better Muslims were not available and the vacancy was due to a Muslim.

PANDIT AMAR NATH KAK : Was there no better qualified Muslim or non-Muslim available at that time or afterwards?

KHAWAJA GHULAM AHMED ASHAI : He was perfectly an expert man.

88. PANDIT AMAR NATH KAK : Will Hon'ble the Prime Minister be pleased to state :—(*a*) When the anti-corruption commission was appointed?

(*b*) What its terms of reference were?

(*c*) Whether the commission has completed the enquiry and submitted the report? If so, a copy of the report may be placed on the table?

(*d*) What is the total amount which has so far been spent in the shape of travelling allowance, daily allowance, and pay of the establishment, by the commission?

(*e*) Whether it is a fact that the commission has been enquiring into the cases of individuals while according to the terms of reference they had to suggest and to find ways and means for stopping corruption and not to enquire into the charges of corruption against any individual?

(*f*) If no report has as yet been completed, will the Government order the commission to complete the enquiry at an early date confining their investigation to the terms of reference only?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) The Anti-Corruption Commission was appointed under the Government order No. 235-C of 1936.

(*b*) The Commission was to enquire into the alleged corruption in services and to suggest ways and means for removing the same.

(*c*) The Commission has completed its enquiry and the Report is expected to be submitted to Government by the end of April 1938.

(*d*) The total amount spent on travelling, daily allowance and pay of the establishment of the Commission is Rs. 8,223/6/-.

(*e*) The Commission has not been enquiring into the cases of individuals.

(*f*) In view of (*c*), (*d*) and (*e*) this question does not arise.

LALA HANS RAJ : Can the Government give assurance that the corruption has decreased to some extent?

RAI BAHADUR PANDIT RAM CHAND KAK : You yourself stated that corruption is decreasing.

LALA HANS RAJ : Did I mention so?

RAI BAHADUR PANDIT RAM CHAND KAK : Sir, you mentioned this last year.

LALA HANS RAJ : If my memory does not fail me I can say that I never said so.

PANDIT JIA LAL KILAM : Sir, certainly you have said so. (Cheers)

89. PANDIT AMAR NATH KAK : Will Hon'ble the Minister-

in-charge of the Municipalities be pleased to state :—(*a*) Whether any parks in different parts of the city of Srinagar have been opened by the Municipality during the year 1993-94 or 1994-95 in view of the replies given by the Government to the questions put in this behalf in the Praja Sabha?

(*b*) If not, what are the reasons for the delay?

(*c*) Whether the Government would take early steps for opening the parks?

KHAWAJA GHULAM AHMED ASHAI : (*a*) No.

(*b*) and (*c*) The scheme of replanning of the whole city of Srinagar by an expert is under the consideration of Government. Once we have the required plan, we will take up the work of laying out parks and other improvements of the city, as soon as funds are available.

PANDIT AMAR NATH KAK : My question is that even in the years 1993-94 we were told that funds will be provided and parks will be constructed. The same reply is being repeated now. Have no funds been provided so far?

KHAWAJA GHULAM AHMED ASHAI : Without having prepared a plan how can the parks be constructed?

PANDIT AMAR NATH KAK : This means that plan could not be constructed in four year's time.

KHAWAJA GHULAM ASHAI : It could not be prepared.

90. PANDIT AMAR NATH KAK : Will Hon'ble the Minister-in-charge of the Municipalities be pleased to enquire and state :—(*a*) Whether offensive trades of potters, cowherds, dyers, farriers, washermen, taxidermists etc. are being carried on in the city of Srinagar and even in the congested parts of it?

(*b*) After inviting a reference to page No. 206 of Vol. III-A Part II of the Jammu and Kashmir Assembly Debates (III Session) reply given to question No. 609 put by me, whether any steps have been taken to enforce the provisions of the offensive trades bye-laws sanctioned by the Government?

(*c*) Whether the aforsaid offensive trades are still carried on in different parts of the city of Srinagar, if so, why no steps have been taken to stop the infringement of the bye-laws and to save the city of Srinagar from this nuisance?

(*d*) Whether cow dung is heaped by the cow-herds Gujars and others in the congested parts of Srinagar? If so, will the Government order the Municipal Committee to enforce the provisions of the Municipal bye-laws and offensive trades bye-laws for improving the hygienic condition of the city?

KHAWAJA GHULAM AHMED ASHAI : (*a*) Yes.

(*b*) Yes. Steps are being taken.

(*c*) Most of offensive traders are being challaned to Courts and the general question of wholesale removal is under consideration

of the Public Health Sub-Committee, who have been directed to take early steps to prevent the nuisance.

(*d*) Yes, in many places.

This is being done now vigorously.

91. PANDIT AMAR NATH KAK : Will Hon'ble the Minister-in-charge of the Accountant General's/Auditor General's office be pleased to enquire and state :—(*a*) Whether in case of any Accounts Officers a condition was imposed that they would be discharged in case they would not pass the prescribed or some higher examination?

(*b*) If so, whether in their case recommendation was made for exempting them from reappearing in the examinations on the ground that they could not be spared for the examination owing to the intended re-organization of the Local Audit?

(*c*) Whether the Local Audit was actually re-organized after such recommendation? If not, what were the reasons for making such a recommendation and not for re-organizing the Local Audit?

(*d*) Whether it was not possible for the said officers to join the examinations after re-organization if ever made?

(*e*) If re-organization was made or was not made, what were the reasons for exempting these officers from examination for all times and for not only postponing their appearance in the examination for such time only as would be reasonably required for re-organization?

KHAWAJA GHULAM AHMED ASHAI : (*a*) Yes.

(*b*) and (*c*) Yes, Local Audit was overhauled but overhauling the work of the Local Audit Department was not the only reason for exempting them. The Audit branches were also re-organized at the same time.

(*d*) and (*e*) They were mainly exempted from passing the higher Departmental Examination because of the practical experience gained by these in British India as well as in the Accountant General's office here. They were considered fit for the posts held by them.

92. PANDIT AMAR NATH KAK : Will Hon'ble the Minister-in-charge of the Public Works Department be pleased to enquire and state :—(*a*) Whether the schedule of rates has been revised in view of the fact that the tenderers offer from 20 per cent. to 40 per cent. reductions in such rates?

(*b*) Whether any contracts have been granted without proper previous advertisement. If so, the details of the contracts and the names of the contractors to whom such contracts were granted may be stated?

KHAWAJA GHULAM AHMED ASHAI : (*a*) Yes, the schedule of rates has been revised. In the case of one or two Divisions it is under revision.

(*b*) The contracts are granted invariably on proper advertisements. The hon'ble member may kindly quote instances, if any, to enable me to investigate the circumstances thereof.

PANDIT AMAR NATH KAK : My question is being replied in the form of a question. I have asked for information and my question is (reads the question) and I am asked to cite an instance.

PANDIT RAM NATH SHARMA : The contracts are granted after advertisement.

PANDIT AMAR NATH KAK : Has any contract been granted without advertisement.

PANDIT RAM NATH SHARMA : Never.

PANDIT JIA LAL KILAM : Had you given such reply beforehand then there would have been no trouble.

93. KHAWAJA ALI MOHAMMED : Will Hon'ble the Minister-in-charge Committees please state if it is a fact that a meeting of the Anaintnag Town Area Committee which was held to elect the Vice-President, was postponed because one nominated member who had been duly informed of the meeting had not turned up and the majority of the members who were present were of opinion that Mr. Ghulam Nabi may be appointed as Vice-President?

If the answer be in the affirmative, then, it may please be stated what action did Government take against the President of the Committee for adopting this unconstitutional procedure?

K. B. RAJA MOHAMMED AFZAL KHAN : *1st part.*—The election was postponed not because any nominated member was absent but because it involved decision of ruling to be given after consulting rules of business adopted in other Municipal constitutions.

2nd part.—It is wrong that Ghulam Nabi was elected by majority of votes.

3rd part.—Does not arise.

94. KHAWAJA ALI MOHAMMED : Will Hon'ble Revenue Minister please state if it is a fact that Pandit Hari Chand Prem Dutt has been given lease for felling trees in the Ahalani Goodmal Forests in the Verinag Range?

Is it also a fact that complaints have been received against the said firm for damaging the forests and obtaining timber in a illegal manner?

If the answer be in the affirmative, then, was any enquiry made into this matter? If so, what was the result of this enquiry?

K. B. RAJA MOHAMMED AFZAL KHAN : *1st part.*—Yes. He had a lease which has expired.

2nd part.—Yes, but on enquiry the complaint proved to be anonymous. One Mukhbir also was brought forward who retracted his own statement in the court of a Magistrate.

3rd part.—Inspite of the above mentioned facts, a sifting enquiry is proceeding.

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95. BAKHSHI MOTI RAM : (*a*) Will Government please state what amount is realized from the zamindars on account of Sanitation Fund charged with land-revenue at the rate of one pice to a rupee? How is this amount spent and where?

(*b*) Will Government please state how much of this amount has been spent on the improvement of health and sanitation in the Mirpur District and where? If no amount has been spent in this District, the reasons therefor may please be stated?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) About Rs. 33,000 annually for the Jammu Province. This is spent on improvement of Sanitary conditions of the Province as a whole and on affording drinking water facilities.

(*b*) *1st part.*—During the last year and the year before more than Rs. 16,000 have been spent in Mirpur and Bhimber Tehsils on the improvement of Sanitation and Kandi water supply.

2nd part.—Does not arise.

MIRZA MOHAMMED AFZAL BEG : Will Government try that the sanitation cess of each Illaqa may be spent in that very Illaqa as far as possible?

K. B. RAJA MOHAMMED AFZAL KHAN : This cannot be done.

96. BAKHSHI MOTI RAM : (*a*) Will Government please state what amount has so far been spent on village uplift and in which places?

(*b*) What is the strength of the Rural Reconstruction Department? What is the experience and qualification of each of the officials and what work is each of them doing?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) The amount of Rs. 18,138 has been spent by the Panchayat office during last two years :—

		Rs
Establishment	...	12,138
Propaganda work	...	2,000
Contingent .	...	800
Postage and Telegrams	..	800
Travelling Allowance	...	2,400

An extra amount of Rs. 2,888 has been provided for field staff (11 Surveyors) of the newly created Rural Development Department in this year's Budget and also Rs. 6,000 per annum as pay of the Rural Development Officer, in addition Rs. 4,000 have been provided in the Budget for village uplift.

(*b*) One Rural Development Officer, one Head Assistant, four clerks, four Rural Reconstruction Assistants, one Propaganda

Assistant, eleven Surveyors and four peons.

The following statement shows the experience and qualifications of each of the above officials and the duties allotted to each of them :—

Name of post.	Qualifications and experience.	Duties.
1. Rural Development Officer.	B. A Service about 19 years.	Direction, supervision and office work. Touring. Introduction of Panchayats. Hearing of Review petitions. Inspection of Rural Economic Survey Centres
2. Head Assistant (85-5-135 .	Matriculate 15 years' service.	General supervision of office work. Drafting. Record of Judicial and miscellaneous work of Panchayats and other office work routine.
3. Clerk I (30-3-75).	Matric plucked 25 years' experience.	Deals with all sorts of account cases. Prepares salary, pay, contingent and T. A. bills etc. Maintains Engiish records. Works as camp clerk also.
4. Clerk 1 (30-3-75).	B. A. 4 years' experience.	Works as second English clerk. Translation work. In charge of stationery and forms etc. Maintains weekly diaries of surveyors. Assists Head Assistant and also helps in the type work.
5. Clerk 1 (25-2-55).	Matriculate. About 2 years' service.	Type work. Receipt and Despatch work. Maintains forms and stamp register. Works on Duplicating machine.

Name of post.	Qualifications and experience.	Duties.
6. Vernacular Matric clerk 1.	...	Maintains vernacular records and registers of Panchayats. Assists in copying Judicial and Criminal orders passed on Review petitions and also pamphlets and bulletins.
7. Rural Recons- truction Assistants, four.	3 B. A.'s and 1 M. Sc. (2 years' service).	Conducting of rural economic survey in four centres.
8. Propaganda Assistant 1.	4 years' service.	Works as Judicial clerk for all Judicial and Civil cases pertaining to Panchayats. Issues instructions to Panchayats and translates pamphlets and bulletins for propaganda work. Does propaganda work in villages where Panchayats and other committees are to be introduced.
6 Surveyors, 11 (7 Naib- Tehsildari candidates, 1 Girdawar Qanungo candidate, 1 Girdawar Kahcharai and 2 Patwaries)	3 B. A.'s and 8 Matriculates.	Conducting of rural economic surveys in 11 centres

NOTE.—Revenue Commissioner was reading out the statement but the Hon'ble President interfering said "you need not read it. A copy of the statement is placed on the table of the Hon'ble Member".

97. Withdrawn.

98. BAKHSHI MOTI RAM : (*a*) Is it a fact that the Inspector

Agriculture of Illaqa Mirpur was given special training in the manufacture of sugar and molasses but that he has been posted in an Illaqa where neither of these things are manufactured?

(*b*) If the answer be in the affirmative, then, will Government obtain benefit of his experience by appointing him in the Illaqas which are irrigated by canals and where sugarcane grows in plenty?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) No. Every Assistant Agriculture is acquainted with such preliminary requirements.

(*b*) Does not arise.

99. BAKHSHI MOTI RAM : (*a*) Do Government know that there are thousands of hand-looms in the Illaqa of Mirpur but the weavers do not get enough work?

(*b*) If the answer be in the affirmative, then, is Government prepared to help and encourage cottage industries?

(*c*) Will Government lay down that in future the offices should purchase the cloth manufactured by these weavers so that they should be able to get work?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Government have no precise information.

(*b*) Government are always prepared to help and encourage cottage industries.

(*c*) Government are already purchasing locally made cloth. These weavers also submit their tenders which will receive due consideration.

100. BAKHSHI MOTI RAM : (*a*) Will Government please state if the Director Industries has visited all the Technical Schools? If not, why?

(*b*) Can the Director Industries suggest any scheme for the betterment of the Technical Schools without visiting these schools?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) He has visited some of the schools.

(*b*) Does not arise.

101. BAKHSHI MOTI RAM : (*a*) Will Government arrange that in future all offices should purchase as many of their requisitions from the Technical Schools as can be supplied by them?

(*b*) Will Government in order to encourage the students who have passed from the Technical Schools and in order to provide them with work, arrange for the purchase of their articles so that they may be able to realize the value of their produce?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) and (*c*) The Director of Industries and Commerce is being asked to act up to these suggestions as far as may be practicable.

(*b*) The *ex-students* of the Technical Schools are being encouraged and arrangements are being made to provide work for them with the help of commercial transaction fund.

102. BAKHSHI MOTI RAM : (*a*) Will Government arrange for the plantation of some fruit-bearing plants at a suitable place in Mirpur District so that the zamindars may devote greater attention to farming?

(*b*) Will Government start some agricultural model farm between Mirpur and Bhimber?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) The arrangements are being made to acquire area at Mirpur for starting a nursery and a farm.

(*b*) The Government will consider this suggestion, but is not prepared to give any satisfactory reply at this stage.

103. KHAWAJA ALI MOHAMMED : Will Hon'ble the Minister-in-charge please state as to whether it is a fact that during the past days five Sanitary Inspectors, Mohammed Sharif, Mohammed Hayat, Ghulam Nabi Qaus, Mohammed Majnoun Khan and Bishember Dass Gupta, were dismissed from service from different places and Dina Nath Gupta, Pt. Gopi Nath Banari, Jai Lal Tiku, Jai Lal Nehru and Sham Lal Koul have been appointed in their places? And is it also a fact that the first five had received training in Sanitation at Bombay and the latter five had received training in Panchayat?

(*b*) Is it also a fact that the Health Officer Bombay had, in a letter, explained to Col. Miller, *ex*-Director of Medical Services that those candidates who had received training in Panchayat, were not acquainted with the sanitation work and therefore should not be appointed as such?

If the reply to the above be in the affirmative, it may be stated as to why the afore-mentioned changes have been effected?

K. B. RAJA MOHAMMED AFZAL KHAN : They were not dismissed but discharged. The discharged officials twice failed to pass the Sanitary Inspector's examination on which condition they were originally appointed. Those of the discharged officials who may pass the prescribed examination even now will be taken back into service.

Of the five newly appointed officials four have passed the Sanitary Inspector's course while only one has the qualification of L. S. G. D. No other candidate of Sanitary Inspector's qualification was available.

(*b*) The opinion of the Health Officer, Bombay was that between these two courses, the Sanitary Inspector's course was more suitable for appointment as Sanitary Inspector. The whole question is still under examination with a view to regulate the procedure for future.

This part has been answered by the reply given at (*a*).

104. KHAWAJA ALI MOHAMMED : Will the Hon'ble Revenue Minister please state ;—Is it a fact that one Ghulam Hassan son of

Moulvi Yusaf Shah of Srinagar was appointed on the post of Moharrir Kahcharai in Tehsil Kishtwar and therefrom was transferred to Tangmarg, Tehsil Reasi?

Is it also a fact that although the said Ghulam Hassan presented himself before the Tehsildar and the Naib-Tehsildar on the 29th and 30th of Har 1994 respectively the Wazir Wazarat Reasi reported on the 31st Har that he had not yet taken charge of his office and was absent; and on the basis of this wrong report Mr. Ghulam Hassan was dismissed from service? Is it also a fact that he was not given any opportunity even to submit his explanation or defence and his arrears of pay have not been paid to him as yet? If the reply to the above be in the affirmative, it may be stated why this injustice has been done to him?

K. B. Raja Mohammed Afzal Khan : *1st part.*—Yes; but this transfer was on his own request.

2nd part.—Yes; the Wazir waited for a long time for Ghulam Hassan to join his post at Margan Pass, but he did not turn up. As the work was badly suffering the Wazir intimated this fact to the Governor who appointed another man to the post.

3rd part.—The post held by Ghulam Hassan was not permanent but only seasonal and it was not, therefore, necessary to call upon the man to explain his conduct. As enumeration of the livestock of the Bakarwals and consequent realization of grazing tax was being delayed very much he was replaced by another man. As regards pay dues, an enquiry is being made in the matter. No injustice was done to the Moharrir in fact. What was done by the Wazir was only called for in the circumstances of the case, under the rules of service.

105. Khawaja Ali Mohammed : Will Hon'ble the Minister-in-charge Electrical Department please state :—(*a*) Is it a fact that Mr. Bose the Chief Electrical Engineer has been retired on the ground that he was advanced in years and that the person who has been appointed in his place as Chief Electrical Engineer is a retired officer from the Mysore State and is more or less of the same age as Mr. Bose?

(*b*) If the reply be in the affirmative, the reasons for so doing may please be stated and it may also be stated why this post has not been filled up by appointing some qualified person departmentally?

Pandit Ram Nath Sharma : (*a*) Yes.

In the interest of the Department.

106. Pandit Lok Nath Sharma : (*a*) What is the scale of fees for copies both English and Urdu at the present time and what was it in 1978 and 1985?

(*b*) If the answer to the above reveals that the fees have been increased by 50 per cent. the reasons for the increase may kindly be

stated?

PANDIT RAM NATH SHARMA : (*a*) The scale of fees for copies both English and Urdu is given below :—

	English or Roman Urdu.	Vernacular.
First 200 words or under ...	0 12 0	0 6 0
Every additional 100 words or under	0 6 0	0 3 0

The scale of fees for copies in 1978 and 1985 was as given below :—

Name of Court.	Judgment.	Deposition and other sheet.	Decree.	Any other paper except a book, map etc.
	Rs. a. p.	Rs a. p.	Rs. a. p.	Rs. a. p.
Every Court other than that of Small Causes.	0 12 0	0 12 0	0 8 0	0 8 0
Court of Small Causes.	0 8 0	0 8 0	0 4 0	0 4 0

(*b*) A comparision of the two scales will show that the fees have not been increased by 50 per cent.

107. PANDIT LOK NATH SHARMA : What is the annual expenditure of the Judicial Department of the State and what is the income from the Court-fees, copying-fees and fines etc. to this Department?

PANDIT RAM NATH SHARMA : The annual expenditure of the Judicial Department (as given on the 1st page of the Judicial Budget for 1994-95) is Rs. 5,30,955.

The annual income of the Judicial Department (as given on page 13 of the Budget for 1994-95) is Rs. 1,92,000.

PANDIT LOK NATH SHARMA : You have not mentioned in the statement given in the book and which was read in the House the amount of fee fixed for getting copies of decrees?

PANDIT RAM NATH SHARMA : No special schedule has been prescribed for it.

PANDIT LOK NATH SHARMA : There is a special schedule for it. In reply to my question in the last session I was told that a fee of one rupee and four annas has been fixed for getting copy of the decree.

PANDIT RAM NATH SHARMA : It is about High Court.

PANDIT LOK NATH SHARMA : High Court is also a court. The rates fixed for this court have not been included in this statement.

PANDIT RAM NATH SHARMA : You give notice for this question.

PANDIT LOK NATH SHARMA : I had specifically asked this in my question "what is the scale of fees for copies". This included all the courts and not only subordinate courts.

PANDIT RAM NATH SHARMA : This statement applies to all the courts. It is not special schedule. It is general schedule.

PANDIT LOK NATH SHARMA : In the year 1978 and 1985 the fees for copies of decrees was annas eight and annas four only. What is the fee at present?

PANDI2 RAM NATH SHARMA : There is no other schedule except this.

PANDIT LOK NATH SHARMA : Well, is any record fee also charged along with this fee?

PANDIT RAM NATH SHARMA : You give notice for this information.

PANDIT LOK NATH SHARMA : What criterion is kept in view while comparing with the courts of other provinces?

PANDIT RAM NATH SHARMA : This is a matter of opinion. However the matter can be well understood from the fact that previously the fee of the copy of decree was eight annas but now it is only six annas. You say that there is increase by 50 per cent. but I say that there is a decrease.

LALA SHIV NATH NANDA : Why the fee for English copies is more than the fee for Urdu copies?

PANDIT RAM NATH SHARMA : It requires more labour because of more work.

LALA SHIV NATH NANDA : How does it require more labour. English copy is typed out but the Urdu copy is written by hand.

PANDIT RAM NATH SHARMA : The machines on which they are typed are very costly. The quality of the paper used is also superior and moreover the English knowing persons get higher salaries. (Laughter)

108. PANDIT LOK NATH SHARMA : Do appeals against the orders of the District Magistrate under the Code of Criminal Procedure generally lie to the Sessions Judge? If so, will the Government please explain why the pay of the Sessions Judge is equal to that of the District Magistrate? Does the Government know that the pay of the Session Judge is higher than that of a District Magistrate in British India?

PANDIT RAM NATH SHARMA : The reply to the first part of the question is in the affirmative.

The post of the District Magistrate in Jammu and Kashmir State is as important as that of the Sessions Judge.

The Government is not aware that the pay of Sessions Judge is higher than that of a District Magistrate in British India.

PANDIT LOK NATH SHARMA : Has any inquiry been made about this matter?

PANDIT RAM NATH SHARMA : Inquiry is not necessary.

109. PANDIT LOK NATH SHARMA : Will the Government place on the table of the House a statement showing (*a*) the number of money decrees passed in the year 1993?

(b) The amount of the decree for which they were passed?

(c) The sum realised by execution of decrees?

(*d*) The number of cases in which persons were sent to prison for non-payment of the decretal amount and how many of them were agriculturists?

PANDIT RAM NATH SHARMA : The reply to this question requires the collection of information from various courts. The reply is not yet ready and will be given when it is ready.

110. PANDIT LOK NATH SHARMA : Will the Government please state both for Jammu and Kashmir Province separately :—(*a*) the number of applications for being declared insolvents filled in the years 1993?

(*b*) The number of applications granted?

(*c*) The amount of money distributed to the creditors in the applications granted?

PANDIT RAM NATH SHARMA : (*a*) The number of applications for being declared insolvent filed in the year 1993 is as below :—

Jammu.	Kashmir.	Total.
149	27	176

(*b*) Number of applications granted is :—

Jammu.	Kashmir.	Total.
39	6	45

(*c*) Amount of money distributed to the creditors in the applications granted is as under :—

Jammu			Kashmir.
Rs.	a	p.	
247	12	0	The distribution has yet to take plaee.

111. PANDIT LOK NATH SHARMA : Will Government please lay on the table of the House a statement showing the number of Tubercular patients admitted to the State Sanatoriums at Batote and Tangmarg, number cured of the disease and the cost of both these Sanatoriums?

PANDIT RAM NATH SHARMA : The information required is given below. As no period has been specified figures for 1993-94 have been given :—

T. B. patients admitted during the year	...	206
Discharged after being relieved of all the symptoms pertaining to the disease	...	161
Total cost	...	Rs 18,490

LALA HANS RAJ : This is praiseworthy

112. PANDIT LOK NATH SHARMA : (*a*) Is it a fact that both at Banihal and Domel Customs posts visitors to Kashmir have to get down from their cars and lorries irrespective of the fact that whether they be gentlemen or ladies and sign their name in the register in the room of the Deputy Inspector Customs?

(*b*) Is it a fact that such practice is disliked very much by the visitors?

(*c*) Will Government take steps to remedy this?

PANDIT RAM NATH SHARMA : (*a*) Visitors have to register their names in the register maintained for the purpose at Domel and Banihal. As it is impossible for the Customs Staff to attend to each visitor sitting in a car or lorry, a separate room is provided for such visitors both at Domel and Banihal to write their names etc. in the register.

(*b*) The Government has not received any complaint to that effect so far.

(*c*) Does not arise.

PANDIT LOK NATH SHARMA : When was this room which has been provided for this purpose on the Banihal Customs post constructed and from when it is being used as such?

PANDIT RAM NATH SHARMA : Since the establishment of the post.

PANDIT LOK NATH SHARMA : You just make an inquiry and make sure whether it is a fact or not?

PANDIT RAM NATH SHARMA : This is the result of the inquiry.

PANDIT LOK NATH SHARMA : I know it personally and have seen with my own eyes visitors being put to inconvenience at these Customs posts, namely Domel and Banihal. They look upon this practice to be very undesirable. Females also have to come down

from the lorries and wait in the verandah. They feel this trouble very much.

PANDIT RAM NATH SHARMA : You should not make a speech on the point. The reply to the question asked by you has been given.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : (Addressing Pandit Lok Nath Sharma) If you like, further assurance would be given.

LALA SHIV NATH NANDA : Do Government consider the verandah to be a room?

RAI BAHADUR PANDIT RAM CHAND KAK : It is a matter of opinion.

MIAN AHMED YAR : If there is no room for this purpose, then, will a room be provided?

PANDIT RAM NATH SHARMA : Certainly.

113. PANDIT LOK NATH SHARMA : Will Government please state the specific steps taken by it for the adoption of the Hindi Language as an alternative medium of instruction in schools in accordance with the resolution passed by the Praja Sabha in March 1936?

PANDIT RAM NATH SHARMA : The Resolution in 1936 suggested that arrangements should be made for teaching Hindi as an alternative vernacular. In pursuance of orders passed by Government accepting this resolution, eight additional Hindi teachers were provided in the year 1992-93 and eight in 1993-94 and this number was increased to sixteen after Government had accepted during the Budget discussion the suggestions made by the Members of the Praja Sabha that the pace in this direction should be accelerated.

114. SUBEDAR KHAN MOHAMMED KHAN : (*a*) Is it a fact that in reply to my Question put in the last session Hon'ble Home Minister stated that the Inspector of Schools had no information regarding the private school at Pane, Tehsil Kotli, Mirpur District?

(*b*) Is it also a fact that in Phagan 1992 Assistant Inspector sent for the students of that school and examined them at village Daspar, and remarked that the village Pane is a hilly area and no school can be opened there ; because a school can be opened only in the plains.

If the answer be in the affirmative, will Hon'ble Home Minister issue orders to the Inspector of Schools to visit the school on spot and report from what date has that school been in existence.

(*c*) If it is proved that indeed the zamindars have been running this school for a long time, then, will this school be put on the approved list? If not, why? The reasons therefor may please be stated?

PANDIT RAM NATH SHARMA : A report has been called for from the Director of Education in this connection. On receipt of

his report the question will be replied to.

115. SUBEDAR KHAN MOHAMMED KHAN : Did Mohammed Yakub Khan son of Rajwali Khan, who is studying in Agriculture College Lyalpur, apply to the Wazir for grant of scholarship? If so, then, will the Wazir of Poonch please sanction adequate grant or a scholarship in his favour?

K. B. RAJA MOHAMMED AFZAL KHAN : No application was received from Mohammed Yaqub Khan. An application was submitted on his behalf by the Praja Sabha Sad putting this question. It is not possible to grant any scholarship to him at present. His application shall receive due consideration when applications are invited after necessary provision is made in the budget.

116. SUBEDAR KHAN MOHAMMED KHAN : Is it a fact that in reply to a question regarding Mahaldar Barhan Ali Khan of Chachan, Tehsil Sadhnoti, it was stated that the Wazir Poonch has no information? If the Wazir Poonch has received the information now, then, it may please be stated in which year and on which date did the Mahaldar die?

Is it also a fact that it was promised that the widow of the deceased will be awarded pension and that land and scholarships will be granted to the children?

If the answer to the above be in the affirmative, it may please be stated when the case will be settled?

K. B. RAJA MOHAMMED AFZAL KHAN : Yes. Burhan Ali Khan, Mahaldar, is reported to have been drowned on the 11th Sawan 1987, on account of drowning in the river.

No promise was made by the Administration for awarding any pension, land and Scholarship to the children of the deceased. In the ordinary course such concessions are not admissible under the rules. However it appears that the Superintendent of Customs and Excise, Poonch, recommended grant of land to the widow of the deceased. The papers are pending in the Revenue Department. The Chief Revenue Officer Poonch is being reminded to expedite his report. Further action will be taken on receipt of his report.

117. SUBEDAR KHAN MOHAMMED KHAN : (*a*) Will Government please state if on the auspicious birthday of Shri Maharajkumar all prisoners are released?

(*b*) If so, why prisoners of Illaqa Poonch also are not released?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(*b*) The matter is already under consideration.

118. SUBEDAR KHAN MOHAMMED KHAN : (*a*) Is it a fact that a labourer working in British India can on his return import free of duty goods upto the value of Rs. 25?

(*b*) Is a labourer who works in the interior of the State also to bring with him from British India goods worth Rs. 25? If the

answer be in the negative, then, the reasons therefor may please be stated?

(*c*) The Customs officials use abusive language and mete out very bad treatment to the labourers. Will Government issue orders to them for better behaviour?

PANDIT RAM NATH SHARMA : (*a*) Yes. A labourer can import goods upto the value of Rs. 25 falling within the definition of personal luggage without payment of duty on his return from the Punjab.

(*b*) No, the concession is meant for those labourers who work in the interior of the State. It is meant for those who go out to the Punjab to earn their livelihood.

(*c*) No complaint to this effect has been received so far. Customs officials have however been instructed to behave courteously towards the labourers.

SUBEDAR KHAN MOHAMMED KHAN : Is it a fact that a labourer who on return presents himself at a customs post is asked to produce a pass etc.?

PANDIT RAM NATH SHARMA : No pass is demanded.

SUBEDAR KHAN MOHAMMED KHAN : If it be a fact that it was done on some occasions, will any action be taken?

PANDIT RAM NATH SHARMA : Enquiry will be made.

LALA SHIV NATH NANDA : How will the Customs Department ascertain whether a person is or is not a labourer?

RAO BAHADUR THAKUR KARTAR SINGH JI : A poor labourer can be recognized from his dress even from a distance.

PANDIT RAM NATH SHARMA : It is a matter of common sense.

MIAN AHMED YAR : Will those persons who serve others on Rs. 5 or 10 per mensem or cook meals or do similar other work, be regarded as labourers and entitled to this concession?

RAO BAHADUR THAKUR KARTAR SINGH JI : They do not come within the definition of labourers. There is a difference between a servant and a labourer.

119. SUBEDAR KHAN MOHAMMED KHAN : Do Government know that the inhabitants of Poonch drive their cattle into the State territory for grazing only for two months in summer and the officials of the Tehsil go out on tour to check the number of cattle passing into the State? Is it a fact that these officials deliberately show higher number of cattle when charging Kahcharai so as to exact some bribe from the poor zamindars? Those zamindars who do not give bribes are not given a hearing even by the Tehsildar. If these allegations be true, then, will Government take suitable steps in the matter?

K. B. RAJA MOHAMMED AFZAL KHAN : *1st part.*—Yes.

2nd part.—If the Praja Sabha Sad points out any definite instance in which bribes were demanded from Poonch Graziers,

necessary enquiries will be made and action taken accordingly.

120. SUBEDAR KHAN MOHAMMED KHAN : Are Government aware that the number of Primary Schools in Illaqa Poonch is very small? Is it a fact that the Illaqa is hilly and is covered over by streams and rivulets which the children cannot cross and each village is generally spread over many miles? Does not the Government consider it necessary that there should be a Primary School in each village?

WAZIR FEROZ CHAND (Wazir Poonch) : It is not a fact that the number of schools is small.

The question is of a general nature and so no definite reply can be given.

However speaking generally the streams are all easily crossable even by school boys. No trouble is felt by boys in attending their schools because of these streams.

No village extends over many miles as assumed in the question.

No. It is not practicable to have a primary school in each village.

SUBEDAR KHAN MOHAMMED KHAN : In reply to one of my questions asked in the last session, it was stated that fifty private schools have been opened in the Illaqa and that the Chief Educational Officer felt the difficulty of the people of Illaqa. My submission is that when there was no necessity then why have these fifty schools been opened?

WAZIR FEROZ CHAND : It is not possible for the administration to open private schools in every village. But if they want they can help themselves.

SUBEDAR KHAN MOHAMMED KHAN : The villages in Illaqa Poonch are not situate closely. Some of the villages are spread over at a distance of even ten miles and are quite separate from each other.

121. SUBEDAR KHAN MOHAMMED KHAN : Do Government know that the zamindars of Tehsil Bagh live in an Illaqa which is hilly and is crossed by a net-work of streams and water courses on account of which the officers never pay a visit to this Illaqa, and as a result thereof bribery and corruption is very common there?

Is it a fact that many a times complaints have been made through the papers and through petitions? If the reply to the above be in the affirmative, it may please be stated what steps have been taken to prevent corruption in this Illaqa.

WAZIR FEROZ CHAND : Yes, so far as the first part of the question goes. It is not true that the officers never tour in this part of the Illaqa or that bribery and corruption is prevalent there. Like other Tehsils frequent tours are made by the officers in this Tehsil also.

The Administration has no knowledge of any such complaints having been made through papers. If, however, complaints are made against any public servant regarding bribery, enquiry will be made and necessary action taken.

122 to 126. As the member was absent from the House, these questions were not replied.

LEGISLATIVE BUSINESS.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Now the Hon'ble Sir Lal Gopal Mukerji will present the report of the Select Committee on the Limitation Regulation.

THE HON'BLE SIR LAL GOPAL MUKERJI : Sir, I present the report of the Select Committee on the Limitation Regulation.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The Hon'ble Sir Lal Gopal Mukerji will move that the report of the Select Committee be taken into consideration.

THE HON'BLE SIR LAL GOPAL MUKERJI : Sir, I move that the report of the Select Committee be taken into consideration.

NOTE (1) —The report of the Select Committee has already been published in an extraordinary issue of the Jammu and Kashmir Government Gazette dated 4th March 1938

NOTE (2). At this stage Pandit Lok Nath Sharma stood up to move his amendment when Pandit Amar Nath Kak interrupted.

PANDIT AMAR NATH KAK : This is not the stage for amendments Sir. I think according to the Rules of procedure the motion should first be carried.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : I think none has any objection to the Select Committee's report being taken into consideration.

VOICES : No, Sir.

NOTE.—The motion was adopted.

THE HON'BLE SIR LAL GOPAL MUKERJI : Sir, I move that the bill be passed.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Notice of certain amendments has been given First amendment of Pandit Lok Nath Sharma will be taken.

PANDIT LOK NATH SHARMA : It is contained in clause 6 of the Select Committee's report that in clause 12 at the end of the clause, the following shall be added as explanation, namely :

Explanation.—The time requisite for obtaining a copy will be the time between the date when the estimated cost of copy is paid in by the applicant in accordance with the orders passed in this respect and the date when the copy is ready and a notice is put up notifying the fact. The day of paying the cost of the copy and the day on which the copy is dilivered will both be excluded''.

My submission is that the difficulties experienced by the litigant public in obtaining copies can be known by those

persons who have to deal with the Law Courts. Generally it is seen that whenever a person applies for a copy he is not informed even for 8 or 10 days as to what is the fee for supplying a copy. The Ahalmads (clerks) do not prepare the decree-sheet and the application of that person is not cared for. When the poor applicant goes to the court again to get some information, no reply is given to him and he returns home disappointed and, in his absence, his application is filed. But when he goes to the court after a few days, he is told that his application has been filed ; and he is asked to submit a fresh application. In view of these hardships I have moved my amendment and the period proposed therein for obtaining a copy is the day of submitting an application and the day when the copy is given to him, or when he is informed that the copy has been prepared and he can get it and these two days shall be excluded. With these words I move my amendment and request that it should be accepted.

PANDIT AMAR NATH KAK : Sir, I want to say something in this connection.

THE HON'BLE SIR LAL GOPAL MUKERJI : Are you supporting him?

PANDIT AMAR NATH KAK : No Sir, I do not support him. What I have to say with regard to the amendment of Pandit Lok Nath Sharma which has been moved by him with the object of removing the difficulty caused by the explanation included in the report of the Select Committee is that just as the Select Committee has provided in their explanation that when a person applies for obtaining a copy and on the presentation of that application the applicant is informed of the estimated cost of the copy according to the orders of the court, and after this the applicant should pay the cost. In this way he would not suffer any loss, because even if sometime is spent on these proceedings the period of limitation will not begin to run, until the cost has been paid.

The second thing that I want to say is that it would be better for the applicant, who wants to obtain the copy, to go home after paying up the cost, instead of persuing the Ahalmads and making various complaints which will have to be enquired into by the Anti-Corruption Commission. After this a notice should be put up on the notice-board to the effect that the applicant can obtain a copy on such and such date, or he should be informed that the copy has been prepared and he would get it on such and such date. And even then if he does not turn up he will himself be responsible for its consequences. It is only for the convenience of the people that the Select Committee has included this explanation in their report, otherwise, as Pandit Lok Nath has stated, if the time, from the date the application is submitted to the date on which the copy is handed over to the applicant or he is informed that the copy is ready,

is included, then, in that case, the difficulty would be that if a person applies for obtaining a copy and then goes home and does not turn up even after two months and makes no enquiry, the copying department will have to do much work and summons to this effect will have to be issued that the applicant should present himself and take the copy on a particular date, and a lot of time will be required for serving the summons and many other difficulties will have to be faced. The High Courts in British India hold different views on this points. Some of the High Courts hold that the applicant should himself see as to what is the cost of preparing the copy and should himself get it prepared by paying up the cost while other High Courts hold that it should not be like this but that the applicant should be informed as to whether the copy has been prepared. The procedure contained in the report of the Select Committee is the same which is being followed by the High Courts of Calcutta and Allahabad. In view of these circumstances we have, in our Regulation, included such rules as were in conformity with the practice observed in Calcutta and Allahabad and which I found in the decisions of the said High Courts; that is, a notice is put up on the notice-board to the effect that the copy has been prepared and the applicant can have it and that the period upto the date of notice shall not be counted. In my opinion this method will be convenient to both the litigants and the copying department.

SARDAR DHIAN SINGH : Sir, I support the amendment of Pandit Lok Nath and would say only this that most of the litigants are illiterate and therefore they have to experience many difficulties. As regards this that information would be supplied by putting up notice on the notice-boards, I would submit that they cannot know anything about it. Therefore with these words I support Pandit Lok Nath's amendment and conclude my speech.

LALA HANS RAJ : Sir, my submission in this connection is that only those persons who have to deal with the Law Courts can know what difficulties have to be faced. The amendment of Pandit Lok Nath is quite reasonable and correct and I strongly support it.

THE HON'BLE SIR LAL GOPAL MUKERJI : Sir, I cannot support the amendment of Pandit Lok Nath. The Select Committee considered this matter thoroughly and the conclusion arrived at by them is contained in the report. Unfortunately Mr. Lok Nath Sharma was not present in the Committee that day.

PANDIT AMAR NATH KAK : He was not a member of the Select Committee; but Sheikh Sahib was a member.

THE HON'BLE SIR LAL GOPAL MUKERJI : Now we have to see what will be the result of Pandit Lok Nath Sharma's amendment and whether this amendment is proper or not. As has been pointed out by Mr. Kak that if Mr. Sharma's amendment is accepted, every person will, after putting in his application for obtain-

ing a copy, go home and later on will not make any enquiry and would not be able to know what amount he has to deposit. But when the copy has been prepared, every person will, according to Mr. Sharma's amendment, have to be informed to the effect that the copy is ready. But can it be possible and what is the guarantee that he has actually been informed? I have come across many such cases relating to the Income Tax Department wherein many orders were issued to the people one after another; but the people retain those orders with them for a number of days and it is after a month or so that they tell others that they have received such an order. How can the department become sure of it? And unless a registered letter with a receipt of acknowledgment is sent, the courts have no proof of the fact whether they have received the letter or not. So far as I know, the rule followed in British India is that the information is put up on the notice-board that the copy is ready and the applicant can get it. According to Mr. Sharma's amendment the matter is likely to be postponed. I fully agree with the recommendations of the Select Committee and it should be accepted.

PANDIT LOK NATH SHARMA : Pandit Amar Nath Kak and Hon'ble Law Minister have referred to only one difficulty and that is, how will the applicant be informed? My submission is that there are rules both in the High Court and the subordinate courts to the effect that when a person applies for a copy he should deposit a tentative fee, and an entry should be made in the register accordingly. After this he should be informed that he may come and take the copy on such and such date. This is not proper that he should remain there for ten to fifteen days. It is not just that he should waste his time in remaining here and there and no guarantee is given to him. I ask you that when there are such provisions in the substantive law, then what is the necessity of such an explanation? Such an amendment can be made in the rules but not in the substantive law. In British India nothing is provided in substantive law for this, but only in the rules. I want to submit that copying rules which are at present rules for the guidance of the subordinate courts and the High Court, can be amended to this effect that the courts should inform the applicants by registered post. If a person puts in an application for obtaining a copy, he should deposit -/6/- or -/8/- as tentative fee and afterwards he be informed to come on a certain date, pay the remaining fee and have the copy. In this way the difficulty refe/ed to by my esteemed friend Mr. Kak can be removed and the work of the department can run smoothly. The difficulty referred to in this amendment by the Hon'ble Law Minister does not seem to involve any inconvenience.

PANDIT RAM CHAND DOBEY : Do you withdraw your amend-

ment?

PANDIT LOK NATH SHARMA : No, but since the Government have added such an explanation in the substantive law which is not to be found in the British Indian Law, therefore I have moved this amendment.

LALA HANS *RAJ* : Sir, the practice that was followed in the past was that "*Parcha*" was given to the applicant but now the new practice has set it aside.

THE HON'BLE SIR LAL GOPAL MUKERJI : Since I have the right of making the final speech, therefore I submit that Mr. Sharma has referred to only one of my objections and has not touched the other, which is, that if the depositing of the fee is left to the applicant he would, without any reason get a longer period fixed according to his own will. He has stated that this is contained in the Rules of the High Court. No doubt it is so; but it is provided in the Rules of the Indian High Courts that the time requisite should be allowed; but how to ascertain this requisite time? Since there remains some doubt and since doubt has to be cleared in law, therefore this point was thoroughly considered in the Select Committee and the doubt regarding the time required has been cleared. There is no doubt that the rule can be explained but in my opinion if the law is clear then there is no necessity of clearing such doubt in the rules. According to the proposal of Pandit Lok Nath Sharma, the applicant shall have to be informed that he should come and enquire as to what copying fee has he to pay? The second point is that a notice should be sent to him.

PANDIT LOK NATH SHARMA : When an applicant applies for a copy and deposits the tentative fee, then there shall be two columns in the register. In one column he will enter the date of application and the second column will be filled when he gets the copy.

THE HON'BLE SIR LAL GOPAL MUKERJI : It is no use adding to the work of the courts. Some of the applications received in the court are of urgent nature in which case copies have to be issued very soon and others are ordinary applications which can not be treated as urgent papers.

LALA HANS RAJ : At this time the competent officer can do everything.

THE HON'BLE SIR LAL GOPAL MUKERJI : I am not fully acquainted with the conditions prevailing in Jammu and Kashmir, while the Hon'ble members of Praja Sabha know the conditions of the people of the State.

The question whether it would be better to inform the applicant by putting up a notice on the notice-board or by means of a letter, has to be decided by you. At the same time I would submit that this work is done even by the clerks of the pleaders and

they enquire about the date fixed for the purpose. I have seen in U. P. that a certain person is appointed to give away the copies and the clerks of the pleaders get copies from him. I think the explanation of the Select Committee is more suitable.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Those members who support Pandit Lok Nath Sharma's amendment may please raise their hands.

NOTE—Hands were raised.

Those who oppose this amendment may please raise hands.

NOTE.—Hands were raised

The amendment is lost by a majority of votes.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Now Pandit Lok Nath Sharma will move his second amendment relating to clause No. 14, sub-clause (4).

PANDIT LOK NATH SHARMA : Sir, if a person institutes a suit in a wrong court which is not competent to hear that case and if that person withdraws his case, then the time spent by him in instituting this suit will not be counted till he has filed that suit in a competent court. The words contained in section 14 are "in computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a court of first instance or in a court of appeal, against the defendant, shall be excluded, where the proceeding is founded upon the same cause of action and is prosecuted in good faith in a court which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it".

If due to some misunderstanding a person files suit in a certain court, then, the time spent on the proceedings before that court should not be taken into account. The explanation No. 4 which the Select Committee has added is a vague one. What is meant by "suitable cases" has not been, it appears, explained in the definition. I submit that even in British India the time spent by mistake in the Revenue Court is not taken into account. It is with this idea that I have proposed this amendment. If, by mistake a person files suit in a Revenue Court then the time spent by him in the proceedings in the Revenue Court should be excluded while computing the period. The word used here is not "proceedings" but "suits". I have very often noticed that if a person died say in 1957 his mutation case has remained pending even until 1994—that is, it was decided after thirty seven years. If such cases are not exempted they can certainly be rejected as time-barred. This is what is the case in a Revenue Court. Briefly I would like to submit that the following explanation be incorporated instead of the explanation added by the Select Committee. "Within the meaning of the section all proceedings before the Revenue Courts will be treated as civil proceedings". I have proposed this

amendment in order to interpret the law clearly. It may pleased be passed.

PANDIT RAM CHANDRA DOBEY : I would submit that it is not perfectly clear whether this amendment is meant for revenue suits or civil suits. If it pertains to revenue suits then what the Select Committee has placed before the House is quite right. If that is not so, then, I support Pandit Lok Nath Sharma.

THE HON'BLE SIR LAL GOPAL MUKERJI : Sir, there has been some misunderstanding which I would like to remove ; and then, I think there would be no difficulty. In Section 14 it has been laid down that the time taken in another proceedings will not be calculated. My friend Mr. Sharma has said that in suits for ejectment the time taken in the proceedings should be calculated. We too want this. But these are revenue proceedings and how can the time taken therein be ignored. The full bench of the High Court has also decided the same. Suppose a landlord files suit against somebody saying that he is a cultivator but arguments prove that he is not a tenant but is a usurper then the case will have to go to the Civil Court. In such a case the time taken in the proceedings in the Revenue Courts cannot be excluded The word "suitable" here is quite appropriate. It takes as many as twenty to forty years to decide suits for ejectment. The time that will be taken in the proceedings of the mutation cases cannot be ignored. It is not possible to give explanation for each and every case. It is quite probable there may have been a case which was entirely unfounded. It is for this very reason that Section 12 has been explained at considerable length.

PANDIT JIA LAL KILAM : May I take exception to the word "suitable", Sir. It will depend on the discretion or the idiosyncrasy of the presiding officer of the court to determine whether a particular case is a "suitable" case or not, and in this way there may be conflict of decisions. My humble submission is that English language is not so poor that we should use a vague word. I would like to put the sentence in this way :—

"Proceedings before Revenue Authorities may come within the expression "civil proceedings" as used in this section".

PANDIT RAM NATH SHARMA : Is he moving an amendment, Sir?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Are you moving an amendment?

MR. JIA LAL KILAM : Well, that is very kind of my friend. I thank him for having called me to order. The question is, if no notice has been previously given by me for my intention of changing or improving the language ; does it mean that we should have clumsy language. I say, if the language is vague, then, for God's sake correct it, but my friend says "you have no right to move an

amendment''. Is it not cruelty, is it justice?

A VOICE : It is something midway between justice and cruelty !

ANOTHER VOICE : It is cruelty towards animals !

PANDIT JIA LAL KILAM : Animals always doubt things while human beings believe things and I always believe. But my humble submission is that the language should be corrected.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : You are supporting the amendment.

PANDIT JIA LAL KILAM : Yes, Sir.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : But this amendment of yours is not on the order paper and unless it is so, it cannot be opposed or supported.

PANDIT JIA LAL KILAM : With all humility I beg to submit that according to parliamentary practice and the practice that is followed in this House, the language can be corrected and such a thing is permissible.

My humble submission is about ''Revenue Department''. We know Revenue Officers, we know Revenue Courts. I have very often to appear in the Revenue Courts, in connection with my professional business.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : So you mean that the words ''Revenue Department'' may be replaced by the words ''Revenue Courts''?

PANDIT JIA LAL KILAM : Yes, Sir. By the principle, by the letter ''Revenue Department'' means absolutely nothing. It must be :—

''Proceedings before Revenue Authorities and to be more precise say, ''Revenue Courts'' or ''Revenue Officers'', as ''Revenue Department'' is not a legal term.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : All that you want is that the word ''Department'' should be replaced by the word ''Courts'' or Officers''?

PANDIT JIA LAL KILAM : Yes, Sir. In order to make the thing understandable or intelligible. Therefore my humble submission will be that the Hon'ble Judicial Minister will, in the light of my submission, kindly agree that ''Revenue Department'' is a term which need not be, which cannot be, must not be and should not be used. (Laughter)

In official language we have ''Revenue Department'' but in court language we have Revenue Court or Revenue Officer.

MIAN AHMED YAR : Sir, the explanation added by the Select Committee is based on actual facts and sound reasoning. On Revenue law there are two books which are in force here. Besides these there are various circulars and rules which have been published but have not been codified.

The two books on Revenue law are, first, Tenancy Regulation

and secondly, Land Revenue Regulation. According to these, separate procedure has been provided for suits and application. The entire section fourteenth of the Limitation Bill pertains to the discretion of court and it is necessary that the wordings of the explanation should be subject to and in accordance with the main section itself. According to Mr. Lok Nath Sharma the explanation added is in conflict with the section. The word "Department" has to be preferred to "Courts" for the reason that the laws, *Ailans* and Regulations here are scattered and there should be scope for extending the period in proceedings of a department like that of Nazool. However that might be, the explanation proposed by the Select Committee is quite reasonable.

SHEIKH ABDUL HAMID : Sir, so far as I think I have not to support this amendment but rather will oppose it. The reason for this is that the word "Proceedings" occurs in Section 14 of the main Bill and as such is applicable to all cases as would appear from a perusal of this Bill. Now, if the amendment proposed is accepted then the main Bill will be rendered meaningless and will be seriously affected by it. If an amendment was at all necessary it should have been made in the main section. Now, if the main section is allowed to stand as it is, and the amendment is accepted then there would be a conflict in the main section and its explanation. Therefore this amendment is not acceptable because it negatives the main section. The second point is that in actual practice there are many cases of this nature that they do not provide occasion for a new case so long as they have not been decided by Revenue Officers ; nor can they be entertained by civil courts. By way of example, I would state that now it is permissible that cases of mutation of land may be verbally decided and got attested later by the concerned officers. This is done in the following manner. The concerned parties approach the patwari and explain to him their case of the mortgage or sale of land and the patwari makes the entries that so and so has transferred his land in favour of such and such a person and has given him the possession of that land. Now, so long as the mutation is not attested the purchaser or the mortgagee will be entered merely as a tenant. Since no new cause of action arises out of the entry, therefore, one has to wait for the attestation of the mutation and for the final orders. If during this period the time that is taken for the proceedings before the Revenue Court is not excluded and if it is computed to have commenced since the possession was given often the period of limitation for a suit expires. Therefore, when final decision has been given the person who is aggrieved whether he is a purchaser, seller or a reversionary will have to file a suit in the civil court.

There are many other arguments and examples which can be cited to prove the same, but, I don't think, I need state them just

now. I did not join the Select Committee on account of the attitude adopted by the High Court at present. If I had joined it, I am sure, there would have been no need for such an amendment.

PANDIT AMAR NATH KAK : In Pandit Lok Nath Sharma's amendment it has been proposed that the word "suitable cases" be replaced by "in all cases". This would mean that the courts should not use the discretionary powers granted to them under Section 14. In this section there are such words as "with diligence" and "in good faith" and several other similar provisions on account of which this section has become very extensive. The present explanation which the Select Committee has added has further widened the scope of the section. Now if the words "in all cases" are added, then, as has been pointed out by Sheikh Abdul Hamid the main purpose of the section will be altogether lost.

Section 14 has three parts ; first, civil proceedings, second, that the case should be pursued "with due diligence" and thirdly, the institution of a case or proceedings in the court which cannot hear the case for want of jurisdiction. Mr. Dobey said that the amendment pertains to the Revenue Judicial cases. In my opinion that is not correct. The word "Court" is contained in the section but it has not been mentioned in the explanation. It will be for the courts to decide whether a certain case had been filed in a court or not? The explanation only refers to the fact whether in section 14 the word "civil proceedings" should include revenue proceedings also or not? British Indian Courts are divided on this point. While some courts are of opinion that civil proceedings should include revenue proceedings, others are of opinion that it should not be so. section 14 has two points : Firstly, that which is regarding suits ; and secondly that which pertains to ordinary proceedings or applications. The recommendation which the Select Committee has made for adding the explanation has been made in order that it may be possible in proper cases to include in the term civil proceedings under section 14 all the Revenue proceedings filed with the revenue courts and officers. That is to say the proceedings of all such cases which may have been filed before Revenue courts and officers should not until they are decided be treated under section 14 for their limitation period. In the name of justice it is necessary that it should be so. I will illustrate my point with an example. Suppose in revenue records two persons are shown as landlord and tenant. But, inspite of the entry the tenant does not regard the other as landlord. The civil courts will never entertain such suits so long as the entry regarding the relation between these two individuals have not been corrected by the revenue courts in their papers. Similarly there are several such matters which are connected with revenue officers and so long as they are not decided there the civil suits cannot be entertained.

At any rate it has been clearly stated in this section that the plaintiff will have to prove that he has been pursuing his case with diligence before the revenue officer.

After his case is decided in the revenue court the plaintiff can take order and file suit in the civil court. It is for this reason that keeping these facts in view the words "in proper and suitable cases" have been recommended. Now, if in place of the explanation the amended explanation is added and the words "in all cases" are added, then, the purpose of the section 14 will be altogether lost. Therefore, this amendment is unnecessary. The words proposed in the amendment need not be added to section 14 because they are already present there. The nature of the section demands that such words be retained in the section as are proposed in the original Bill. Whether the cases are suitable or not can be left to the discretion of the courts. There are many other matters which are left to the discretion of the courts.

PANDIT LOK NATH SHARMA : My learned friend has not understood my amendment properly. If my knowledge of law does not fail me, then, I would submit, that the interpretation of section 14 in the State is not the same as is in British India. So far as "suits before Revenue Courts" are concerned, in British India they include civil proceedings. The case which the learned Hon'ble Minister has referred does not pertain to revenue courts. I will submit that in no section of the British Indian Codes has this been mentioned. Nor has this been interpreted in any High Court as has been done here. It is stated there that the "proceedings before Revenue Courts should be excluded from the operation".

VOICES : No, it is not so.

As I said at the beginning I have moved my amendment in very guarded language. If my knowledge of law does not fail me such a practice is not in vogue in any of the British Indian Courts.

In order to revive my legal knowledge I have brought with me some legal authorities also and I can cite from them. In the British Indian Courts the ordinary and original applications are made to the Assistant Collector who entertains them under section 14. My aim and object in moving this amendment was that when a suit is filed in a revenue court and it falls within the jurisdiction of that court, then the court is competent to decide it. Under such circumstances the time spent in the proceedings of the revenue courts should not be taken into account. If this is followed, then, under no circumstances will anybody be affected by it. I claim and I can prove it that all the proceedings before the revenue officers are under section 14 entitled to claim extension in time because all such revenue courts are treated in British India as civil courts.

Now so far as the Revenue courts are concerned, I have

brought with me several authorities which I can quote in this connection. Sir, I will speak more on the subject after lunch.

AFTER LUNCH.

PANDIT LOK NATH SHARMA : Sir, I was submitting. .....

MIRZA MOHAMMED AFZAL BEG : Sir, I rise to a point of order. Yesterday a ruling was postponed. May I know if that ruling will be given now.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The ruling will be given in due course.

PANDIT LOK NATH SHARMA : Sir, I was submitting why I felt called upon to move my amendment. In several cases it has been pointed out that no suit can be entertained by a civil court so long as it is not first decided by the Revenue Department. Of the examples adduced one relates to the Nazool case while the other to oral mutation cases. I submit that so long as a case is not decided, by some revenue officer the question whether any extension in time is necessary or not does not arise because unless the decision by the Revenue court is given the provisions of section 14 do not come into operation.

I submit that if on the report of the Select Committee this section is enforced then it would have various fantastic results. By way of example I would state that if a revenue contractor owes some money to a labourer who makes a *bonafide* application to the Tehsildar or the Naib-Tehsildar, the application keeps pending for two or three years. Now if the labourer wants to file a suit against the contractor then, will such a case (whenever the application has been lying in the Revenue Department for two or three years) be regarded as a "suitable case" or will the time spent in the revenue proceedings of the case be excluded; and does this case satisfy the conditions laid down in clause 1, section 14?

As the explanation given is not clear I have embodied a very general principle in my amendment in order to remove this misunderstanding. That is, only suits filed in revenue courts, and not the proceedings before the revenue officers or the Revenue Department shall be regarded as civil proceedings and the time spent may be excluded.

THE HON'BLE SIR LAL GOPAL MUKERJI : Sir, I will only repeat that my learned friend is still labouring under a misapprehension. Two objections have been raised. One as regards "Revenue Department" and the other about "suitable cases". I will first take up the objection to the use of the word "Revenue Department".

If the law that has been laid down in the State had been perfectly clear and had been properly codified then both my colleagues in the Select Committee and myself, who carefully considered over the matter, would have decided to replace the word "department"

by the word "court". But unfortunately the revenue law has not been clearly defined in the State. It takes many forms ; it was first issued in the form of *Ailans*, orders, commands and Regulations etc. It is difficult to find out what would be the value of a certain revenue order. For example in a Dakhal-Kharaj case of a Jagir wherein the final commands of His Highness are necessary the Revenue Department takes very long time. If a person spends ten to twelve years over a Dakhal-Kharaj case in the Revenue Department and when the decision given by His Highness is against him, then he files a suit in a civil court of the State. Then there is the question whether it would be proper to take into account or not the time spent in the proceedings of the case before it is filed in the civil court. Under these circumstances you can decide whether it would be proper to keep the word "department" or "courts" in the explanation.

Now let us take another example. There is some khalsa land and somebody takes possession of that land. The revenue officers tell him that it is khalsa land and as such he should not occupy it. It takes very long to decide even such cases because after the matter has been decided by the revenue officers, it is referred to the Revenue Minister and then to His Highness. It has been found that it takes about eight to ten years to decide such a case. And after this the person files suit in a civil court ; then, under the circumstances, would it not be proper to retain the word "department" in the explanation?

Since many such difficulties have to be experienced and our law is not clear on these points, we have necessarily to retain the word "department" so long as our law is not properly codified, and the word "court" will not be sufficient.

The other point is regarding "suitable cases". In this connection I would like to say, as has been remarked by Messrs Kak and Mian Ahmed Yar, that section 14 is a discretionary section. And in all cases it shall be for the courts, wherein the suit is filed to see whether the time taken up in the proceedings of the case in the revenue courts is to be taken into account or not? Every case is to be judged on its nature and merits. It will be found in section 14 whether the case is a suitable one or not. Therefore, I will submit that Mr. Lok Nath Sharma's amendment may not be accepted and the decision of the Select Committee be retained.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The question is whether Mr. Lok Nath Sharma's amendment that "In all cases proceedings in Revenue Courts will be treated as civil proceedings within the meaning of this section" be accepted?

Those members who are in favour of the amendment may please raise their hands. (Hands were raised)

Those members who oppose this amendment may please raise

their hands. (Hands were raised)

The amendment is lost by the majority of votes.

Now, Pandit Lok Nath Sharma's third amendment, which he has proposed about article 152 will be taken.

PANDIT RAM NATH SHARMA : Sir, there seems to be some mistake.

PANDIT LOK NATH SHARMA : Yes, if there is any mistake in it, then I withdraw my amendment.

NOTE.—The Praja Sabha Secretary pointed out the mistake to the hon'ble member.

PANDIT LOK NATH SHARMA : I take it back, Sir. Amendment was then withdrawn by the member.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Now there is another amendment from Pandit Ram Chandra Dobey, Lala Amar Nath Kohli, Colonel Abdur Rehman Khan, Lala Ram Lal, Wazir Ganga Ram, Bakhshi Moti Ram, Kotwal Lakhmi Ram, Pandit Amar Nath Kak, Sardar Kanhaya Singh, Sardar Hari Singh, Sardar Dhian Singh, Major Atta Mohammed, Lala Lajpat Rai, Major Prem Singh, Sardar Mal Singh, Lala Shiv Nath Nanda and Lala Hans Raj and the object of which is that "In column 2 of article 57 to 85 (both inclusive) the period of limitation may be changed from 3 to 6 years and the words 3 years be substituted by the words 6 years".

MR. AMAR NATH KAK : Sir, I gave a separate notice earlier than the other members.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Pandit Amar Nath Kak's amendment is taken.

PANDIT AMAR NATH KAK : Hon'ble President ! Before moving my amendments, I want to submit that I was a member of this Select Committee and being a member of the Select Committee I brought this thing to the notice of the Hon'ble Judicial Minister that in cases of loans, the period of limitation should be 6 years instead of 3 years. The opinion which was in preponderance in the Select Committee was, that uniformity may be established between our and the British Indian Law. I did not press the matter at the time when different articles were discussed.

MR. MOHAMMED AFZAL BEG : I rise to a point of order, Sir. Mr. Kak has just now said that he was a member of the Select Committee appointed to consider this Bill. I think we have got not only a ruling but a definite convention that a member who has not appended a note of dissent with regard to a particular section, cannot move an amendment latter on. In this case no note of dissent has been appended by Mr. Kak and he therefore cannot move the amendment. This ruling as far as I remember came with reference to Rule 62 of the Rules of Business which lays down that :—

"When a motion that a Bill be taken into consideration has been carried any member may propose an amendment to the Bill.

(1) If notice of a proposed amendment has not been given two clear days before the day on which the consideration of the clause to which the amendment is proposed is commenced. any member may object to the moving of the amendment and such objection shall prevail unless the President, in the exercise of his powers to suspend this article, allows the amendment to be moved".

As far as I remember the President ruled that any member other than a member on the Select Committee to which a bill is referred can move an amendment. In this case Mr. Kak having been a member of the Select Committee cannot move his amendment.

MR. AMAR NATH KAK : Sir, I have to make a submission in regard to the point of order raised by Mr. Beg. So far as I remember it was Mr. Beg who wanted to move an amendment when he was a member of the Select Committee which was probably appointed on the Panchayat Bill, as Mr. Lok Nath Sharma reminds me. Thereupon Mr. Lok Nath or myself (I am not certain) raised an objection that as Mr. Beg had not given a note of dissent, he could not move his amendment. So far as I remember Sir Barjor Dalal, who was then occupying the chair, ruled that there was nothing in the Rules of Business and Procedure to prohibit an amendment from a member of a Select Committee. It was not proper according to him that a member of the Select Committee should move an amendment but all the same as the Rules did not prohibit such a thing, an amendment could be allowed and an amendment was allowed and it was ruled that such an amendment was in order. As Mr. Beg says that it is a convention, I do not think it is a convention. What we know is that the rules do not prohibit such a thing.

Further I have to submit that in regard to the interpretation of Rule 65 or any other rule ; the ruling is for a member who lays before the House a motion and not for a member on the Select Committee. It does not at all apply to a member of a Select Committee. The ruling given by Sir Lal Gopal last year is clear on the point.

I think there is no such ruling of the chair to which Mr. Beg has referred and there is nothing which bars a member of a Select Committee from moving an amendment.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : *Ruling*.—A point of order has been raised that a member of a Select Committee cannot subsequently move an amendment. There is nothing in the Rules of Business and Procedure which bars a member of a Select Committee to move an amendment at a later stage. The amendment which Pandit Amar Nath Kak wishes to move is in order.

PANDIT AMAR NATH KAK : Now when the work of the Select Committee is over, it has perturbed the minds of both the creditors

and debtors. People think that a period of 3 years instead of 6 years cannot in any way prove useful for the subjects. This is why I have submitted this amendment. As the articles the amendment whereof is being insisted upon apply only to debts, it is necessary that the period of 6 years may be retained and this period should never be reduced. The object underlying the reduction of this period to 3 years was that the law of this country should be brought on par with the British Indian Law. If my amendment is accepted then that order will not change as we have made variation in several other articles and article No. 151 has been split up into three parts as 151 (*a*), 151 (*b*) and 151 (*c*).

What I want to submit in favour of 6 years period is that this matter was first considered by the State Government in 1978. The period of 3 years was fixed in the Punjab prior to 1978 and subsequently it was raised to 6 years. It remained in force for some years and then it was reduced to 3 years. In 1978 when a new law was framed in the State the opinion of the Judicial Officers was called for in this behalf ; and in view of the local conditions and requirements, inspite of there being a period of only 3 years in force in British India, a period of 6 years was fixed in the State.

Now it is proposed that this period may be reduced to 3 years.

KHAWAJA GHULAM MOHAMMED SADIQ : Two days' notice is necessary in the case of amendment. Pandit Amar Nath Kak gave notice on the 16th of March and to-day is the 17th. Under Rule 62 two days' notice is necessary. I do not think that at this moment any such extraordinary circumstances have taken place for which the Hon'ble President may be requested to allow Mr. Kak under special circumstances to move his amendment. Sir, I submit that under Rule No. 62 (clause 1), Pandit Amar Nath Kak may not be allowed to move his amendment.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : He has been allowed to move his amendment.

PANDIT AMAR NATH KAK : At present no such circumstances have arisen on account of which this period of limitation should be changed. It will affect in three ways :—Firstly. the number of cases will increase ; (although being a Vakil I ought to have sympathies with it,) which I do not like it. Secondly, the income of the Government from court-fee will increase, that is, the court-fee which is paid after 6 years will be paid after 3 years.

Thirdly there will be loss instead of gain, that is, if any debtor could pay a debt of Rs. 100 within 6 years, he would be compelled to pay within 3 years otherwise he will be sued. Nothing, except what has been mentioned above will result from this. In view of public welfare I do not think it to be useful. At present people have got facilities and they can pay their debts gradually.

There is already a law for the majority of the two sections of the people *viz.* the zamindars and farmers who come under the definition "agriculturist". Even if the creditors file a case after 20 years, they cannot get more than one and a half. Agriculturists Relief Regulation is already in force. If they institute the case within 6 years they are at a loss because they will claim one and a half within 3 years. In these circumstances when the period is reduced from 6 to 3 years, the public do not stand to gain. Therefore I would submit that in these articles *i. e.* from 57 to 85 which relate to loans, the period of 6 years may be retained and the articles may be rearranged accordingly.

PANDIT RAM CHANDRA DOBEY : I support the Pandit and submit that conditions of our province are such that we cannot follow British India in this matter. By fixing the period of 3 years there will ever be perpetual conflict between the creditors and debtors and the litigation will increase. For the last three days *i. e.* since when the public has come to know that some change is going to be effected by the Praja Sabha in the period of limitation, I have received many telegrams from the people of Jammu and Kashmir resenting such a proposal. It appears from the telegrams that people resent the change in the period of limitation.

MR. AHMED YAR : Did you receive any telegram from any zamindar?

PANDIT RAM CHANDRA DOBEY : I have received from the traders. Therefore I submit that there should be no change in the period of limitation.

LALA SHIV NATH NANDA : Sir, my esteemed friends, Pandit Kak and Mr. Dobey have clearly explained the amendment. I being a trader submit that the system of lending and borrowing is a mutual transaction based on friendly relations. Even if the period of limitation for the payment of debts lapses, in these circumstances the lender and the borrower, anyhow manage to refrain from litigation and often the debtor receives further help. Now if a period of three years be fixed instead of six years, then after the lapse of the limitation period the zamindar will be asked to pay one and a half, otherwise he will be sued in the court. The present period is quite all right. The zamindars are benefited thereby inasmuch as they pay their debts in easy instalments. My esteemed friends have made a reference to the law in force in the Punjab. But I would submit that conditions here are quite different. Poverty is prevalent here and unemployment is increasing day by day. Government appointed a Commission and its recommendations will receive practical shape with the result that unemployment will be removed and the country will become prosperous. It's only then, that we will think it proper that the period of limitation may in fact be reduced to three years. My esteemed friend Mr. Dobey stated

that he has received telegrams. I think that the telegrams he has received include telegrams from the zamindars also. The zamindars also wish that this law may remain intact *i. e.* the period of limitation should be six years. It is only fifteen days when the meeting of the Select Committee was held and the people do not know that a change in the period of limitation has been recommended. Sir, had they been aware of it, your Lordship would see that they would raise an outcry against the change. With these words I support Mr. Kak.

SHEIKH ABDUL HAMID : Sir, one of the arguments which my esteemed friend Mr. Kak has advanced in support of his amendment, is that when in 1977, new law of limitation was enforced in the State, at that time the period of limitation in British India was three years, but here in the State the period was six years. Since that time no such circumstances have taken place on account of which the period may be reduced to three years. I would also submit in this behalf that in British India the law of limitation was passed in 1908 and a period of six years was prescribed for debts *i. e.* when the law of limitation was enforced in the State.

LALA SHIV NATH NANDA : Sir, my esteemed friend should know that the period of limitation is again going to be six years in the Punjab.

SHEIKH ABDUL HAMID : At present the period is only three years. Now when in British India the period of limitation is three years there is no reason why a period of three years be not prescribed in the State (which is a part of British India), when all the laws in force in the State are the same as in British India. I would point out the defects if the period is six years and will submit as to what good will result if the period is three years. Suppose Karim barrows from a Sahukar and cannot pay within three years, it can never be possible that the Sahukar would at once sue him in the court. If he (Sahukar) is an honest man, he would get a fresh document signed by the debtor and in this way there will be no necessity of suing him in the court. But if the Sahukar is dishonest he will sit quiet and will harrass the debtor after the period has lapsed. It is often noticed that the Sahukars do not give receipts to the debtors at the time of payment of instalments. This means that six years is a very long period and because human memory is weak, the Sahukar on the expiry of the time will demand full payment from the debtor. As the debtor has no receipt in his possession he simply says that he has at least paid some amount but his mere saying this is of no avail to him because the Sahukar did not give him any receipt, therefore there is no other alternative for the debtor except to sign a fresh deed or document. If three years' period by prescribed the Sahukar would be bound to settle his previous accounts and renew the document or institute a case in the court. In this case

the Sahukar would not be able to say to the debtor (because the period of limitation will only be three years) that he has not paid anything during the intervening period. In short by fixing the period at three years the debtor will be saved from the dishonest dealing of the Sahukars and would stop transactions with him. Therefore while opposing it I would submit that this amendment is not acceptable.

COLONEL ABDUR RAHMAN KHAN : Sir, I want to submit something in support of Mr. Kak. If you want to copy the British Government, then I submit that same facilities in land-revenue, as are in British India, should also be provided here. The crops and produce should also be brought on the same level and all those facilities which the zamindars of that Illaqa enjoy should also be granted to the zamindars of this Illaqa. No doubt, there are big zamindars and men of position in this House, but few are those who live among the villagers except my humble self. I would submit that the Sahukars do not possess any mint with them. They also borrow from other Sahukars.

PANDIT LOK NATH SHARMA : They bring money from the battle-field.

COLONEL ABDUR RAHMAN : Yes, Sir, they bring money from the battle-field. The zamindars of British territory are prosperous, they are not in debt.

SHEIKH ABDUL HAMID : My friend does not know to what extent the zamindars of the Punjab are in debt.

COLONEL ABDUR RAHMAN KHAN : I would submit that when the time of voting comes you will see Sir, on which side will the big zamindars who own thousands of acres cast their votes.

COLONEL ABDUR RAHMAN : Sahukars are badly needed in the country. If the co-operative banks were established in the country and run in such a way as would enable them to satisfy the necessities of every individual, no body would care to go to the Sahukar. At present we are so circumstanced that there is a gulf between the Sahukar and the zamindar. This is because the Sahukars have lost confidence in the debtors. If the period of limitation be reduced to three years, it will increase the difficulties of Sahukars as also those of the zamindars, because the latter cannot pay their debts within three years and the former will get the bonds renewed after two and a half years and will include extra expenses in the new bonds which will thus cover an amount exceeding one and a half of the original sum or as much as would normally be payable with six years. The new amount, I submit, will be three times the sum originally advanced. No doubt, reduction in the period of limitation will increase the revenue from stamps. Expenditure on suits will increase and the lawyers will also earn more. There will be many disputes with the result that the small loans which a person can get at present,

will be stopped and the zamindars will be put to a great difficulty.

The present struggle between the Sahukars and zamindars has reached such an extent that a few persons of my village died this year and were left unburied for want of shrouds, because no body advanced money for performing their funeral ceremony. This is all due to what is being done at present.

My learned friends, who claim to represent the zamindars are not aware of the real state of affairs.

Had they been aware of the real condition they would never support any reduction in the period of limitation. I submit, Sir, that the more the period is increased the more will the zamindars be benefited. If the period of limitation is extended even to twenty years, the amount will not go beyond one and half of the original debt.

On the other hand, the Sahukars will play such tricks within the period of three years that they will realize more than one and half. This being the case, I agree with the Pandit and support his amendment.

MIAN AHMED YAR : Sir, some of my friends have opposed the original proposal and re-agitated the question of retaining six years as the period of limitation instead of bringing it down to three years as is proposed. They have, in this connection, referred to some telegrams alleged to have been received from the zamindars. They have also presented copies of some telegrams which have been received from the Traders' Association, Srinagar etc.

These telegrams have not, in fact, been received from the zamindars, but have come from interested persons, that is, the people who are Sahukars by profession and wish the period to be extended. If we use a little fore-sight we shall find that the law, that is now before the House, is in no way harmful, provided that the business is conducted with honesty and integrity. Under this law of limitation, debts can easily be recovered from the debtors. If there arises any case where the debt cannot be recovered within three years, the bond can be renewed after that or part-payment can be signed which will itself extend the period to six years. The fact is that there is a large number of persons in the Mufassils who are Sahukars by profession and very few of them are honest in their dealings.

With a view to have a control over the life and property of the debtors and get gifts from them, these dishonest Sahukars involve poor people in debts and want to keep them under the heavy burden of these debts. Finally they file suits against them. Some of these Sahukars are anxious to obtain personal service from their debtors in connection with their dealings, and reduce them to serfdum. To prolong these relations they try to have the period of limitation extended. The honest people do not feel any necessity of

resorting to suits or getting the bonds renewed.

Mr. Kak stated that the question of reducing the period of limitation was considered by the Government in the year 1978, when the Judicial Officers were consulted. They were of opinion that a reduction in the period of limitation will cause much loss.

I am sorry I cannot help saying that the persons who held positions in the Judicial Department at that time and were consulted were of Sahukar mentality and were connected with the class whose creed is to suppress the debtors. There was no one in the Government machinery who had any sympathy with the zamindars. The majority community was treated like dumb-driven cattle with the result that the officers pressed their own point of view and conducted exparte proceedings which benefited the zamindars. The reference can therefore have no bearing on the point at issue. Conditions have now changed and the Government should handle matters tactfully. They should yield to the influence of the conditions prevailing in the adjoining country and should see how fast changes are going on there and how the oppressed receive attention. Along with the Congress Rule in some British provinces, we find knights like Sir Sikandar Hyat Khan also in power. What I mean to say is that the public mind is influenced by the ideas of those who hold the reins of Government. It is therefore necessary that whatever step is taken by the Government should be just, reasonable and beneficent to the public, so that they may not suffer. It is a matter for joy that Government have sagaciously fixed three years as the period of limitation. It appears that the Government are also getting mindful of the people.

MR. NANDA : The Press Act has also been introduced.

MIAN AHMED YAR : I shall say at the proper time whom that is intended to please. The Government has at present introduced two measures, first the amendment to the Civil Procedure Code and second the amendment to the Limitation Regulation. I admit that the Government have introduced these measures with good intention.

Sahukars have to deal with two classes of debtors, namely, the honest and the dishonest. In dealing with the dishonest dealers they have to resort to suits irrespective of the fact whether the period of limitation is long or short. In the case of honest debtors suits have not to be resorted to even if the dealings extend over a period of fifty years. I know of cases in which the accounts have continued for generations without ever necessitating resort to law courts. Mr. Kak is not correct in stating that lawyers will get more fees if the period of limitation is reduced. The Hon'ble Law Minister has correctly stated that lawyers will get more fees if the period of limitation is long. They will get hundred fifty where they otherwise got hundred and twenty-five. This is not, however, a fact to be borne in mind. Therefore those of the

hon'ble members who oppose the motion for the reduction of the period of limitation do not truly represent the people of the State, and have no sympathy with the oppressed. It is a moral duty to serve the zamindars or the oppressed. Every step that the Government take should be calculated to achieve this end. The fixation of three years as the period of limitation for the recovery of debts is not a novelty. It is already in force in the Punjab, the rest of British India and even in the Frontier Province, where the people are very backward in education and do not know their own interests. There is no question of Vakils. The question is of providing relief to the poor and finding means for their betterment. The Government should try to pay attention to the poor. They should not be over-awed by telegrams and these should not deter them from paying attention to the poor. I would also like to submit that if a debt is not paid within three yeare, the debtor shall not have to pay more than one and a half. This has been clearly laid down in the Agriculturists Relief Regulation. Even if the debt remains unpaid for twenty not to speak of six years and the Sahukar files a suit he shall, in no case, be entitled to more than one and a half.

Indebtedness is not peculiar to any community or Illaqa It is found in Mufassils and cities. I know of a case in Srinagar. A poor Kashmiri Pandit young man came to me and complained of the Sahukars. He said that the money-lenders had ruined him. The fact is that the passage of this law is obstructed simply to deprive the villagers and citizens of the relief that they would get.

A VOICE : Did a young man come to you really.

MIAN AHMED YAR : I am stating a fact. He is an M. A. and is employed in Tiri State. He is a Kashmiri Pandit and is a resident of Srinagar.

Mr. Nanda has stated that this law will embitter the friendly relations of the Zamindars and Sahukars. I have already stated that if dealings are carried on honestly, there can be no question of embitterment.

Sheikh Abdul Hamid has very wisely given the Government right advice and, though a State Councellor, he has presented the views of the public correctly. He has been opposed by Colonel Abdur Rahman, who is a pensioner and lives in village. Such people generally profit in this way. Having drawn high salaries, they retire on pension and advance loans, at first, out of fellow feeling. When they find people enslaved because of debts, they lose all feeling of sympathy and try to involve others in debt.

COLONEL ABDUR RAHMAN : Sir, it is a personal attack

MIAN AHMED YAR : This does not pertain to you. I have only cited an instance. Pensioners generally do that. This is common in the Punjab as well.

COLONEL ABDUR RAHMAN : Has my name not been men-

tioned. There is no other person of my name here.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : He does not refer to you. He says he has only given an example.

COLONEL ABDUR RAHMAN : You can see my ledgers. You will find nothing like that.

MIAN AHMED YAR : But I shall find bonds.

COLONEL ABDUR RAHMAN : Yes, you will find them.

MIAN AHMED YAR : With these words I submit, Sir, that the proposal regarding reduction in the period of limitation is beneficial. I strongly support it. The Government having committed itself, should stick to the proposal. They should not go back upon their own word nor should they be over-awed by the telegrams, which have not come from the poor.

LALA RAM LAL VAKIL : Sir, the amendment to this section has not been tabled by Mr. Kak alone. Hindu, Muslim and Sikh members have joined him. There are two arguments that have been advanced by my contemporary Mian Ahmed Yar in this connection. The first is that the true representatives of the people wish that as recoveries have to be made, it causes loss to the zamindars and leads to their ruin. The second is that the telegrams have not come from the zamindars. In this connection, I would like to ask whether Colonel Abdur Rahman is not a public representative. He has tabled the amendment. The amendment, as stated by Mr. Kak, will, no doubt benefit the Government, but what has to be seen is whether the reduction of the period from six to three years will cause convenience or inconvenience to the zamindars. My submission is that it will put the zamindars to lots of difficulties. They will have to undergo a great loss. They shall have to pay in three years what is at present paid in six. The Government may get a little money by this but that should not be the only consideration and the zamindars should not be involved in difficulties. I think the Government have not achieved much by introducing this bill. They have not been wise in taking this step. It is stated that the period of limitation is three years in British India and it should therefore be the same in this State. Section 14 of the Limitation Act has not been amended in British India as has been done here. The period of limitation being three years there, attempts are being made to have the same here as well. British Indian Laws are being blindly followed here. There are many things in which local conditions and the necessities of the time have to be borne in mind. There are many things which exist in this State but not in British India for instance the Agriculturists Relief Regulation, which is not in force in the Punjab. I submit, Sir, that if the period of limitation is reduced from six to three years, the result will be that the money will not be paid in time and they will be ruined.

It is stated, on the one hand, that the zamindars are poor and heavily in debt. On the other hand means are being provided to impose more burden upon them. I submit, Sir, that this will have disastrous effects for which the Government alone will be responsible.

At present there is economic depression and everybody is crying for bread. Under these circumstances it is the Sahukars who are being assailed.

Another fact stated by Mian Ahmed Yar is about old and new debts. They often get the bonds renewed. Recoveries are made partly in cash. They are thus ruined. I am of opinion that in this way these people are not truly representing the public. I think the amendment is not acceptable. If the Government wish to run the administration on British Indian Lines, they should adopt everything that we find there. The Government should see whether the present is the proper occasion for it. I would therefore advise the Government not to resort to such means simply for the purpose of raising money. They should withdrawn this amendment and not inflict misery upon the poor.

Under these circumstances I support Mr. Kak's amendment that the period of limitation should continue to be six years and it should not be reduced to three.

SARDAR DHIAN SINGH : It is my duty as an elected member to protest against any measure which may affect the zamindars adversely. I submit, Sir, that this amendment has been tabled simply to bring about uniformity. It has been stated that the period of limitation is three years in British India and should therefore be the same here. But if this fact alone be always borne in mind and other facts ignored it will put the people to a loss. There are precedents on this point. For instance when customs tariff was introduced in the State it was stated that Poonch should act accordingly. The Poonch people opposed this move but, with all that, customs tariff was introduced in Poonch with the result that Poonch suffered because unformity alone was kept in view.

If the period of limitation has been reduced to three years simply to achieve uniformity it will put the people to a great difficulty. As stated by Mr. Kak, when the people learn that the period of limitation has been reduced their difficulty will increase. The number of suits will go up and the poor zamindars will find themselves quite incapable of making payments with the result that an article worth hundred rupees will sell for fifty or twenty-five rupees. All these facts deserve consideration. The conditions prevailing in the country do not call for such an amendment in the law. The amendment will increase the clash among the people and will embitter mutual relations. I know that when the agitation broke out in Poonch in the year 1988 all the shop-keepers

deserted their shops, with the result that if a Muslim died there was no shroud to cover his corpse and the dead had to be put in sacks and buried. This is a fact which can not be found record in the history. I would therefore submit that the amendment will have bad effect. Business will be ruined. Unemployment will increase. Relations will be embittered and the poor will suffer. All these are facts which need consideration.

LALA HANS RAJ : Hon'ble President ! I would like to invite your attention to the fact whether it is proper or whether there is any Rule under which hon'ble members can make noise when a member is speaking and make it impossible to hear him.

SARDAR DHIAN SINGH : Therefore I strongly support Mr. Kak's amendment and hope that it will be accepted.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : The principle underlying the Limitation Bill is to put a limit upon old suits. I believe my friends know that neither the Hindu nor the Mohammedan laws make any mention of limitation. The only provision that we find is that of twenty years adverse possession for ownership. The law of limitation is in reality Roman Law. It was adopted during the British Rule and was subsequently enforced in this State. The Government have introduced the bill with a view to have three years as the period of limitation. Many of the hon'ble members are in favour of the amendment and many are against it, and both parties rely on local conditions. One of the parties stated that if the period of limitation is not retained as six years, there will be several difficulties. There are many small creditors who are not honest. The debtor makes payments and he does not even remember what he paid to the creditor four or five years back. I think these difficulties have to be borne in mind. We have no personal experience in this matter. The Government attitude about this amendment will be that they will leave it to the decision of the House which they will accept. If the members of this House, who are fully aware of the conditions prevailing in the country, think that a particular dicision will benefit the country, I have no facts to oppose them. The Government attitude is therefore that they will leave the matter to the decision of the House.

MIAN AHMED YAR : A shameful departure !

MR. MOHAMMED AFZAL BEG : An unfair attitude ! At this time only members belonging to non-agriculturists classes have come forward without knowledge of the local conditions. A reference to the Select Committee has already been made.

PANDIT JIA LAL KILAM : They say we do not belong to Agriculturist class. Let me say that I perhaps, hold as much agricultural land as all these people combined together are holding.

We congratulate the Government for the bold and fair stand they have made to-day.

MR. MOHAMMED AFZAL BEG : We had been smelling this thing already.

KHAWAJA GHULAM MOHAMMED SADIQ : Since yesterday !

PANDIT AMAR NATH KAK : Sir, I want to say a few words in reply to the speeches which have so far been delivered in opposition of my amendment. It has been stated that if period of limitation be raised from 3 to 6 years, the people will have to suffer a great loss. In my opinion it is not correct to say so.

It has also been stated that according to Sections 19 and 20 (whcih form part of the law) every body has a right of renewal, therefore so far as these articles exist in the law there is no scope to say for or against the period of limitation being three years or six years.

The second objection is that since the people do not give receipt, therefore the necessity of instituting the suits in the courts is felt. It is not a sound argument because if a man does not give receipt within three years, he will behave in the same manner when the period is six years and this is no reason for curtailing the period of limitation. There is different period fixed for movable and immovable property, and this difference in period of limitation depends upon the kind of property and nature of the case. For certain cases the period of limitation prescribed is six years, for others it is 12 years, 20 years and 60 years. So far as the bill is concerned I want to say that it cannot be the intention of the Government that under every article of the law the period of limitation should necessarily be three years. I have not proposed an amendment to the effect that wherever there is three years period in the law, it should be changed into six years. The articles I move to amend, pertain to loans. I want that in these articles, period of limitation be fixed at six years instead of three years. The members of the Select Committee and other members who are just sitting here, are well aware of the fact that as regards this bill we have made a departure from the rule in vogue in British India in several respects ; and this we have done because the local conditions of this place compel us to do so. Local conditions with regard to loans are such as require us to prescribe six years instead of three years as the period of limitation. I do not want to make a lengthy speech in reply and will only say that in view of the local conditions, it seems indispensable to accept the amendment because we have to look into the convenience of both the creditor and the debtor, and in this way my amendment will prove useful to both of them.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : Sir ! In order to remove the misunderstanding which has arisen in the minds of our friends who believe that we have first introduced this bill in the House and now we are going to withdraw it, I want to say that the

people can well understand our attitude in bringing forward such a bill ; and nobody can deny the fact that all steps taken by the Government are for the good of the public. It is evident that we always aim that the people may be benefited and we wish that as far as possible we should not go against the opinion of the majority in the House.

MR. MOHAMMED AFZAL BEG : Can you cite any other instance in which after taking a definite attitude, the Government have changed its opinion like that?

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : The Government want to act in agreement with the wishes of the Praja Sabha as far as possible, and wherever the Government consider that opinion of the Sabha is not correct, it is compelled to differ. But when the majority of the House insists upon a particular thing, then as far as possible the Government do not go contrary to their wishes. I am not aware of the previous practice, but since I came here, I have always been trying that in every matter I may proceed in co-operation with the members of the Praja Sabha.

MR. MOHAMMED AFZAL BEG : But if any elected member or Zaildar votes against you, then immediate action is taken against him. This is what is the greatest achievment of the Government.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : That is a question of discipline.

LALA HANS RAJ : Sir, is it a proper to use such remarks against a minister?

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : Let him say. We are not going to withdraw the bill. Only we four ministers will not take part in the voting of the bill but all the hon'ble members whether nominated or elected are at liberty to vote according to their wishes. It is because they are perfectly acquainted with the local conditions of the State. (Cheers)

MR. MOHAMMED AFZAL BEG : If you personally believe that the period of three years is sufficient then why are you not prepared to take part in the voting?

A VOICE : Interest increases during six years.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : The question is that we are not aware of the conditions of the country so much as you are. The problem cannot be decided on any abstract principle. If a person falls sick and has an attack of fever, the doctor will treat the patient according to the diagnosoe. The same medicine is not prescribed for each patient. On the other hand medicine is given according to the nature of the disease. Here the total number of the members including the Elected, Nominated and State Councillors, is seventy-four and out of them only four members are such who have resolved not to take part in voting because

they are not so much acquainted with the conditions of the country as the other members are. I, therefore, leave this matter entirely to the opinion of the House.

LALA HANS RAJ : Sir, it is necessary to pay attention to my request because I am well acquainted with the conditions of the country. (Laughter)

MR. PRESIDENT (The Hon'ble Justice Mr. K. L. Kichlu) : The amendment proposed by Pandit Amar Nath Kak is :—

"In column 2 of article 57 to 85 (both inclusive) change the period of limitation from 3 years to 6 years and make consequent changes in the arrangement of articles also".

Those who are in favour of this amendment may please raise their hands. (Hands were raised)

Those who are against the amendment may also raise their hands. (Hands were raised)

MR. PRESIDENT (The Hon'ble Justice Mr. K. L. Kichlu) : Majority is in favour of the amendment.

MIAN AHMED YAR : We claim division, Sir !

MR. PRESIDENT (The Hon'ble Justice Mr. K. L. Kichlu) : All right !

A VOICE : Sir, will you please let us know how the voting will proceed?

MR. PRESIDENT (The Hon'ble Justice Mr. K. L. Kichlu) : By division.

NOTE —The House divided as follows :—

Ayes ... 30	Noes ... 21
1. Rao Bahadur Thakur Kartar Singhji.	1. G. M. Sadiq.
2. Khan Bahadur Thakur Agha Syed Hussain.	2. Mirza M. A. Beg.
3. Wazir Tej Ram.	3. Mian Ahmed Yar.
4. Pandit Lok Nath Sharma.	4. Sultan Feroz-ud-Din Khan.
5. Col. Abdur Rahman Khan.	5. Khawaja Abdur Rahim Bande.
6. Pandit Jia Lal Kilam.	6. Mian Qurban Ahmed.
7. Pandit Amar Nath Kak.	7. Khawaja Ali Mohammed.
8 Lala Amar Noth Kohli.	8. Haji Ahmedullah Shah-dad.
9. Lala Shiv Nath Nanda.	9. Subedar Khan Mohammed Khan.

10. Lala Hans Raj.
11. Wazir Ganga Kam.
12. Pandit Ram Chandra Dobey.
13. Bakhshi Moti Ram.
14. Mr. Jagat Ram Aryan.
15. Sardar Kanhaya Singh.
16 Sardar Hari Singh.
17. Sardar Dhian Singh.
18. Pandit Govind Ram Kabu.
19. Sardar Mal Singh.
20. Pandit Shyam Sundar Lal Dar.
21 Col. Sansar Singhji.
22. Rai Bahadur Pandit A. N. Purbi.
23. Babu Ram Das.
24 Pandit Ram Chand Razan.
25. Khan Sahib Mirza Ghulam Mustfa.
26. Major Thakur Prem Singh.
27. Risaldar Thakur Sadhu Singh.
28. Kotwal Laxmi Ram.
29. Lala Lajpat Rai.
30. Lala Ram Lal Vakil.

10. Pir Hassam-ud-Din.
11. Choudhri Abdulla Khan.
12. Choudhri Abdul Karim.
13. Sheikh Abdul Hamid.
14. Rai Ghulam Hussain.
15. Choudhri Abbas Ali Zaildar
16. Khawaja Ghulam Hussain Malik.
17. Agha Syed Hussain Shah Jalali.
18. Khawaja Akbar Dar
19. Khawaja Safdar Ali.
20. Yebgo Iftikhar Ali Khan.
21. Wajid Ali Shah.

MR. PRESIDENT (The Hon'ble Justice Mr. K. L. Kichlu) : Thirty votes are in favour of the amendment and twenty-one votes are against it. The amendment is therefore passed by majority of votes. (Cheers)

Now Pandit Amar Nath Kak will move his second amendment !

PANDIT AMAR NATH KAK : Sir, my amendment is as under :—

"In the second column of article 116 change the period of limitation from 6 years to 12 years and make necessary alterations in the arrangement of articles also".

The amendment moved here is consequential. When the period of three years was prescribed for unregistered documents, the period of six years was also proposed for the registered deeds. Now when six years period is fixed for the unregistered documents, I, therefore, propose that the period for the registered documents should be fixed twelve years. As the amendment is consequential, I place it before you.

PANDIT JIA LAL KILAM : I support it, Sir.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. (On behalf of the Government) : I have already expressed my opinion. It is therefore not necessary to say anything further in the matter.

KHAWAJA GHULAM MOHAMMED SADIQ : Sir, I oppose the amendment.

MR. PRESIDENT (The Hon'ble Justice Mr. K. L. Kichlu) : Those who are in favour of the amendment may please raise their hands. (Hands were raised)

Those who are against it may now raise their hands. (Hands were raised)

21 votes for and 12 against. Therefore the amendment is carried by majority of votes.

MIAN AHMED YAR : Now comes my note of dissent, and whatever is given in the note of dissent it can be moved.....

PANDIT AMAR NATH KAK : There is no such rule.

PANDIT LOK NATH SHARMA : Sir, no notice has been given for the amendment.

MR. PRESIDENT (The Hon'ble Justice Mr. K. L. Kichlu) : (Addressing Mian Ahmed Yar) You had an opportunity to give notice yesterday. You could send in your amendment yesterday too.

MIAN AHMED YAR : Sir, it has been a practice that anybody who has appended a note of dissent can also move an amendment.

PANDIT LOK NATH SHARMA : Point of order, Sir !

If any body has written a note of dissent he can move an amendment provided he has already given notice of the matter. Since Mian Sahib has not given any notice, he cannot, therefore, move an amendment.

MIAN AHMED YAR : My note of dissent is a notice.

MR. PRESIDENT (The Hon'ble Justice Mr. K. L. Kichlu) : There is no mention of it in the note of dissent.

MIAN AHMED YAR : In Srinagar Session of 1936, discussion was raised on a similar note of dissent and consequently the Hon'ble President allowed it. It is given on page 196 of the proceedings of the Assembly.

MR. PRESIDENT (The Hon'ble Justice Mr. K. L. Kichlu) : There is nothing like that in the proceedings. General Janak Singhji's note of dissent has been mentioned here and it was not allowed afterwards.

MIAN AHMED YAR : Sir, the note of dissent was allowed.

MR. PRESIDENT (The Hon'ble Justice Mr. K. L. Kichlu) : There is nothing to show that.

VOICES : No, no. It was not allowed. Sir, you may give the ruling.

MR. PRESIDENT (The Hon'ble Justice Mr. K. L. Kichlu) : *Ruling.*—A point of order has been raised to-day. The hon'ble member has appended a note of dissent to the report of the Select Committee on the Limitation Bill but has omitted to give notice of the amendments which he now wishes to move. Any hon'ble member who appends a note of dissent must give notice of the amendments which he subsequently wishes to move. As the hon'ble member has omitted to do so, he cannot now be permitted to move the amendment.

MR. PRESIDENT (The Hon'ble Justice Mr. K. L. Kichlu) : (Addressing Mian Ahmed Yar) As you have not given notice of amendment, therefore, your amendment cannot be taken into consideration.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : I now move that the bill as amended by the House be passed.

MR. PRESIDENT (The Hon'ble Justice Mr. K. L. Kichlu) : The motion is that the bill as amended by the Select Committee and as further amended in the House be passed.

Hon'ble members who are in favour of the motion may please raise their hands. (Hands were raised)

Those who are against the amendment may also now please raise their hands. (Hands were raised)

MR. PRESIDENT (The Hon'ble Justice Mr. K. L. Kichlu) : The bill is passed by majority of votes.

Now Hon'ble Sir Lal Gopal Mukerji Kt. will present the report of the Select Committee on the Jammu and Kashmir Land Alienation Bill and move that the bill as reported by the Select Committee be taken into consideration.

NOTE.—The report of the Select Committee has been already published in the Jammu and Kashmir Government Gazette dated 21st Phagan 1994.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : Sir, I move

that the Jammu and Kashmir Land Alienation Bill as amended by the Select Committee be taken into consideration.

LALA SHIV NATH NANDA : Sir, I have submitted several amendments with regard to the report.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : They cannot be taken into consideration because you have subscribed the report of the Select Committee.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : As no amendment has been moved, I, therefore, move that the bill be passed.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The motion is that the bill as amended by the Select Committee be passed.

Those who are in favour of the motion may please raise their hands. (Hands were raised)

Now those who are against it may please raise their hands. (Hands were raised)

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The bill is passed by majority of votes.

To-day's work is over, now we will meet on Saturday at Eleven of the Clock.

The House, then, adjourned till Saturday the 19th March 1938.

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THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)

VOLUME VIII

3RD DAY

(19th March 1938)

OFFICIAL BUSINESS
EIGHTH SESSION
OF THE
FIRST J. & K. PRAJA SABHA.



JAMMU :

Printed at The Ranbir Government Press—3-4-95—150.

1938.

Jammu and Kashmir Praja Sabha

President :

THE HON'BLE MR. JUSTICE K. L. KICHLU,
RAI BAHADUR.

Secretary:

PANDIT HIRANAND RAINA, B. SC., LL. B.

Assistant Secretary:

MR. MOHD. NASIR-UD-DIN KHAN, B. A., LL. B.

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JAMMU AND KASHMIR PRAJA SABHA.

MARCH-APRIL JAMMU SESSION, 1938.

Saturday the $\frac{19th\ March\ 1938.}{6th\ Chet\ 1994.}$

The Praja Sabha met in the Praja Sabha Chamber at Ajaibgarh at eleven of the clock.

Mr. President (The Hon'ble Mr Justice K. L. Kichlu) in the chair.

QUESTIONS AND ANSWERS.

127. MIAN QURBAN AHMED: Will the Government please state as to why Colonel Baldev Singh Samial was trained and then appointed on the post of Senior Superintendent of Police, inspite of the fact that there were three Senior Superintendents of Police, *i. e.*, two for the two provinces and one for C. I. D., what State duties had he performed before his appointment as Senior Superintendent Police, Jammu, and what salary was paid to him during the period of his training ?

PANDIT RAM NATH SHARMA: Such appointments are made in the interest of the Department.

MIAN QURBAN AHMED: Is the appointment of Muslims considered against the interest of the department ?

PANDIT RAM NATH SHARMA: Certainly. (Laughter)

MIAN AHMED YAR: The question is whether the appointment of Muslim is presumed against the interest of the department ?

PANDIT RAM NATH SHARMA: It is not considered so.

MIAN QURBANAHMED: Then why the Muslims are not appointed ?

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN KT. (Home Minister): The political expediencies demand so.

PANDIT GOVIND RAM KABU: That is a new way of answering questions now.

128. MIAN QURBAN AHMED: What was the number of Gazetted Officers in the Police Department at the time when

Col. Baldev Singh Samial was posted in the office of the Inspector General of Police, what duties were entrusted to them and what was the salary paid to each of them and were the aforementioned three Gazetted Officers unable to discharge the duties which, at the time were entrusted to Col. Baldev Singh, especially when Mr. Archbold too was discharging the duties of the Special Assistant Inspector General satisfactorily. The reasons may kindly be stated ?

PANDIT RAM NATH SHARMA : The number of Gazetted Officers in the Police Department at the time when Col. Baldev Singh Samial was posted in the office of the Inspector General of Police was as follows :—

Inspector General Police	...	1 on special pay.
Senior Superintendents	...	4 on Rs 500-50-800
Special Assistant to Inspector General Police	...	1 on special pay
Superinteudents	...	6 on Rs. 250-25-400
Assistant Superintendents	...	6 on Rs. 225-25-300

Their duties were in accordance with the demands of their various places of posting.

It is not clear in this question which three officers are referred.

129. MIAN QURBAN AHMED : Will the Honb'le Home Minister please state reasons for posting Sardar Prithi Nandan Singh in the office of the Inspector General Police and in his place appointing Col. Baldev Singh Samial, a new recruit in the department, on the responsible post of the Senior Superindent of a Province ?

PANDIT RAM NATH SHARMA : Answer to Question 50 covers this.

MIAN QURBAN AHMED : Will the Hon'ble Home Minister please state whether Col. Baldev Singh has not ousted the Muslim officers from the Kashmir Valley and especially from the Headquarters at Srinagar ? Are not Sh. Abdul Rahim, Inspector, S. Mohammad Alam Khan, Inspector, Sy. Sultan Ali, Sub-Inspector, Mohammad Rajab, Sub-Inspector, Bashir Ahmed, Sub-Inspector etc. the glaring instances in this behalf ? Did Col. Baldev Singh ever pay any attention to these transfers and the paucity that has occurred in the Muslim representation thereby ?

PANDIT RAM NATH SHARMA : No. There is a suitable number of Muslim officers at Srinagar Head-quarters.

131. MIAN QURBAN AHMED : (*a*) Will the Hon'ble Home Minister please state whether it is a fact that Colonel Baldev Singh has transferred prematurely a large number of the officials of the Department in Jammu and as well as

in Srinagar? Is it also a fact that by these transfers the condition of these officials is no less than that of the Nomads and the transfers have resulted in defected administration?

The figures in this behalf may be supplied for the information of the House and the reasons for so doing may also be stated.

PANDIT RAM NATH SHARMA: *a*) During his term as Senior Superintendent of Police in the Kashmir and Jammu Provinces Colonel Baldev Singh transferred 147 Police Officers out of a total force of over 3,000. These officers were transferred for various reasons—such as when complaints were received against them or when they were found inefficient or to adjust communal representation or on medical grounds, or to fill up leave vacancies. The transfers have not resulted in defective administration.

132. MIAN QURBAN AHMED: Will the Hon'ble Home Minister please state whether Colonel Baldev Singh used to entrust the files of the subordinate officials in which punishment or rewards were recommended by the Superintendent of Police to various officials such as Reserve-Inspectors or the unconcerned officers like Arm Reserve Inspectors, C I. A. Inspector or District Inspectors etc., and whether decisions were made on the arbitrary reports of these officers? Reasons for doing so may kindly be stated?

PANDIT RAM NATH SHARMA: Orders regarding Rewards and Punishments passed by Colonel Baldev Singh have been passed by him personally after due consideration in each case and there is no reason to suppose that he accepted the arbitrary recommendations of other officers.

133. MIAN QURBAN AHMED: Will the Hon'ble Home Minister please state whether it is not a fact that during the days when Colonel Baldev Singh was posted as Senior Superintendent of Police, Jammu, all officers at the Head-quarters such as Reserve Inspectors, Arms Reserve Inspectors, District Inspectors, Court-Inspectors, Inspectors C. I. A. and Assistant Superintendent Police were Hindus? Did he ever try to appoint any Muslim Officer on the above responsible posts?

PANDIT RAM NATH SHARMA: (1) Yes, all the Inspectors of Police were Hindus.

(2) No, a Senior Superintendent of Police has no power to appoint or transfer Inspectors, this being done by the Inspector General of Police.

134. MIAN QURBAN AHMED: Is it a fact that Colonel Baldev Singh got such officers who acted arbitrarily with him transferred to Kashmir along with him. Is it also a

fact that Sant Pindi Dass, Pandit Sham Lal Jalali, Kh. Suchet Singh etc., were transferred from Jammu to Kashmir aud Colonel has appointed these officers at the Headquarters? If so why? The reasons may also be stated.

PANDIT RAM NATH SHARMA: No. Inter provincial transfers are made by the Inspector General, and no such transfers were made in consequence of the trrnsfer of Colonel Baldev Singh. Sant Pindi Dass and Pandit Sham Lal Jalali have been transferred to the Kashmir Province, but Colonel Baldev Singh have no say in the matter of their postings. Kh. Suchet Singh is not known.

MIRZA MOHAMMED AFZAL BEG: They have written here Khawaja Suchet Singh.

PANDIT RAM NATH SHARMA: This is what we have said that we could not make out as to who he is.

MIRZA MOHAMMED AFZAL BEG: Have you, sir, inquired as to how the snow was removed from the road?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: (Revenue Commissioner): He says that pony could walk over the road even without clearing it.

135. MIRZA MOHAMMED AFZAL BEG: (*a*) Will Government please state when Pandit Anand Kaul, the former Tehsildar of Kulgam was relieved of his post after being transferred from Kulgam? Is it correct that at the time of his departure the road from Kulgam to Kaimuh was blocked on account of heavy snowfall, and which the zamindars were compelled to clear as forced labour?

(*b*) If the zamindars were paid wages for removing snow then it may please be stated as to how much sum was spent on it and under what head? It may also be stated as to how many zamindars in all were employed and for how much period, and what were the daily wages per head?

K. B. RAJA MOHAMMED AFZAL KHHN (On behalf of the Hon'ble Revenue Minister): (*a*) *Part 1st* - 21st Poh 1994.

Part 2nd.—Wheeled traffic from Kulgam to Kaimuh was not possible on account of heavy snowfall. The road was, however, open to pony traffic. The Tehsildar went on pony and no zamindar was compelled to clear the road.

(*b*) Does not arise.

136. MIRZA MOHAMMED AFZAL BEG: (*a*) Will Government please state whether any complaint was lodged by Mr. Gurcharan Singh, Range Officer Anantnagh, to the Forest Officers about illicit felling? If so, what?

(*b*) If reply to the above be in the affirmative, is it correct that instead of holding an inquiry about the matter, the Range Officer was suspended?

(*c*) If reply to part (*b*) be in the negative, then reasons for the suspension of the above mentioned Ranger may be stated ?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) and (*b*) Yes, but on the other hand papers were found with R. Gurcharan Singh which raised a strong suspicion that this Forest Ranger had been bargaining with the contractor and the Conservator of Forests was ordered to frame charges against the Ranger and get his explanation.

(*c*) The Ranger was suspended on account of gross insubordination and insolence. For this he has already tendered an apology in writing but in the meanwhile other serious charges came to notice. A detailed enquiry is proceeding.

MIRZA MOHAMMED AFZAL BEG : The original question is whether enquiry was made on a complaint against the person regarding illicit felling.

K. B. RAJA MOHAMMED AFZAL KHAN : Yes, enquiry was made.

MIRZA MOHAMMED AFZAL BEG : What was the result thereof ?

K. B. RAJA MOHAMMED AFZAL KHAN : It has been stated that enquiry is being made.

137. MIRZA MOHAMMED AFZAL BEG : Is it a fact that for State fire-places (Bukharis) the zamindars were sent to bring fuel from Tehsil Anantnag ? If the reply be in the affirmative, then, reasons therefor may be stated ?

K. B. RAJA MOHAMMED AFZAL KHAN : *Ist Part.*—No.

2nd Part.—The Tahsildar Anantnag purchased firewood *Khushkhaid* from Zamindars who had come to Anantnag to sell fuel.

138. MIRZA MOHAMMED AFZAL BEG : (*a*) Will Government please state the number of applications submitted by the zamindars for *Taqavi* loans in District Anantnagh, in connection with the cattle epidemic ?

(*b*) How much sum has been received by the Government from the applicants in the shape of stamps in connection with the applications mentioned in Q. D. No. 88 part (*a*) above and how much sum has been given to the zamindars in the shape of *Taqavi* loans ?

(*c*) As regards part (*b*) the figures of Tehsil Anantnag and Kulgam may be given village-wise ?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) 816 applications.

(*b*) *Ist Part.*—Rs. 122. In the beginning zamindars not knowing that applications for such loans were exempt from Stamp duty submitted their applications on Stamp papers.

2nd Part.—No loans could be advanced to the zamindars for want of sufficient provision in the budget to meet the heavy demand. The matter is, however, receiving consideration of the Governor Kashmir and advances will be made as funds permit.

(*c*) The requisite list is placed on the table of the Praja Sabha Sad.

Villagwar list Tehsils Kulgam and Anantnag
Para (c) Q. D. No. 88.

Serial No.	Name of village.	Amount.
	ANANTNAG.	
		Rs.
1	Feth Ghar ...	1
2	Ulbugnawgam ..	1
3	Magharipura ...	1
4	Bonadayalgam ...	1
5	Kadapura ...	1
6	Sansooma ...	1
7	Hangidantar ..	1
8	Thejiwara ...	1
9	Khulchuar ...	1
10	Lessarchawalgam ...	1
11	Khandoora ...	1
12	Arahal ...	1
13	Sandarpura ...	1
14	Qasbabagat ...	3
15	Arhkhushinpra ...	1
16	Dewalchgund ...	1
17	Sahibabad ...	1
18	Verinag ...	1
19	Lalan ...	1
20	Ashajipura ...	1
21	Kanalwan ...	1
22	Krangsoo ...	1
23	Kharipura ...	1
24	Munwar ...	1
25	Miragund ...	1
26	Ahupaisan ...	1
27	Assoo ...	1
28	Lookbawan Larikpura ...	1

Serial No.	Name of village.	Amount.
	ANANTNAG.	Rs.
29	Watarigam	2
30	Takiabaramshah	1
31	Akingam	1
32	Dehrna	1
33	Upsan	1
34	Waibumdoor	1
35	Bhoj	1
36	Biawara	1
37	Unzoola	1
38	Koorigam	1
39	Chakpath	1
40	Rainipura	1
41	Rakh Telwani	1
42	Telwani	1
43	Pranigam	1
44	Hakurabadasgam	1
45	Takiabahhi	1
46	Kulghar	1
47	Bonagund	1
48	Sandoo	1
49	Hailararama	1
50	Arawadari	1
51	Bonanawgam	1
52	Utarasoo	1
53	Donipahoo	1
54	Nawgam	1
55	Safan	1
56	Pethbug	1
57	Utarahall	1
58	Utari	1
59	Pehroo	1
60	Shengran	1
61	Mongahal	1
62	Dandipura	1
63	Shalipura	1
64	Harapura	1
65	Nonwani	1
66	Palpura	1
67	Anchdoora	1

Serial No.	Name of village.		Amount.
			Rs.
68	Wanahama	...	1
69	Yemoh	...	1
70	Dabrana	...	1
71	Brakpura	...	1
72	Rakh Chhi	...	1
73	Kanganhal	...	1
74	Mirdantar	...	1
75	Rahoo	...	1
76	Kambar	..	1
77	Adsoo	...	1
	Total	...	80

KULGAM.

1	Mandhol	...	1
2	Arwani	...	1
3	Khudwani		1
4	Sadora	...	1
5	Fora	...	1
6	Chadanpajan	...	1
7	Arigam	...	1
8	Sofigund	...	1
9	Tarkatachhlu	...	1
10	Loktipura	...	1
11	Laramgangipura	...	1
12	Redwana	...	1
13	Uranhal	...	1
14	Sandoo Khulpura	...	1
15	Soohar	...	1
16	Nanibug	...	1
17	Kiho	...	1
18	Branoo Jagir	...	1
19	Bachru	...	1
20	Tarigamdevsar	...	1
21	Pansathwanpura	...	1
22	Gund Nasar	...	1
23	Neepur	...	1
24	Kanjigund	...	

Serial No.	Name of village.		Amount.
	KULGAM.		Rs.
25	Ashmuji	...	1
26	Nowwathu	...	1
27	Shulwanpura	...	1
		Total ...	27

139. MIRZA MOHAMMED AFZAL BEG : (*a*) What was the date fixed for the petition-writers' examination last year in Muzaffarabad centre? From what time and upto what time the examination was held, and on what date?

(*b*) What action was taken on the telegram of Munshi Mohammed Khalil, candidate, sent one day before the date fixed for examination to the District and Sessions Judge Kashmir?

(*c*) Is it a fact that Munshi Mohammed Khalil could not join his examination because the examination was held before time?

(*d*) Who was the officer incharge for holding the examination before time, and what action has been taken against him?

PANDIT RAM NATH SHARMA (On behalf of the Ho'nble Law Minister) : (*a*) The date fixed for the petition writer's examination at Muzaffarabad was 27th Chet 1993. The examination lasted for one day. It was held from 11 A. M. to 1 P. M. and from 2 P. M. to 4 P. M.

(*b*) Mohammed Khalil candidate sent a telegram from Rawalpindi for permission to appear at Muzaffarabad Centre and the permission was granted to him and the Superintendent of the Muzaffarabad Centre was informed accordingly. Later on he sent another telegram requesting to order his examination anew as he was delayed on account of the Road having been closed. This prayer of his was not granted.

(*c*) The examination was held on the date fixed?

(*d*) The Sub Judge, Thakur Shiv Ram Saraf was the Superintendent of the Examination. The examination was held at the appointed time. The last portion of the question does not arise.

140 MIRZA MOHAMMED AFZEL BEG : How much sum

and on what roads has been spent by the Revenue Department in Tehsil Anantnagh during the year 1993-94 ?

K. B. RAJA MOHAMMED AFZAL KHAN :

		Rs.	a.	p.
1.	Annual repairs to zirapura Sangam Culverts ...	128	14	0
2.	Achhabal Anipora Culverts ...	128	8	9
3.	Bulbul Nawagam ,, ...	128	2	0
4.	Danter bridge ...	200	0	0
5.	Thajiwara Khundru culverts ...	266	6	6
6.	Annual repairs to Anantnag Bulbul Nawagam Road ...	147	0	0
7.	Khanabal Bumzoo Road ...	399	0	0
8.	Achhabal Anipoara Road ...	119	14	0
9.	Construction of wheeled traffic Road from Bhawan to Kanialvan *via* Abkura ...	2,400	0	0
	Total ...	3,918	0	0

Besides this a sum of Rs. 1230/- was spent through the Governor of Kashmir on Anantnag Tehsil Roads.

141. MIRZA MOHAMMED AFZAL BEG: How much sum has been spent by the Revenue Department during the year 1993-94 for the repair of springs in Tehsil Anantnagh?

K B. RAJA MOHAMMED AFZAL KHAN: Rs. 129.

142. MIRZA MOHAMMED AFZAL BEG: (*a*) Is it a fact that the Revenue and Irrigation Departments realize '*Parla Abi*' and '*Abiana*' from the zamindars of village Karngu Hardu Turu, Tehsil Anantnagh simultaneously, and on the same area?

(*b*) If reply to part (*a*) be in the affirmatve, then, it may please be stated how much amount has been realized so far from the zamindars at this double rate and what are the reasons therefor?

Will the sum realized in excess be refunded to the zamindars?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) No such instance has been brought to the notice of the local officers. All land irrigated by the canal and classed as *Nahri* has been assessed in its unirrigated aspect and has to pay this assessment whether irrigated or not. A further charge representing the charge by the Public Works Department for supplying water for cultivation (*Abiana*) is levied. The zamindars pay *Abiana* when their land receives irrigation but when their land is not irrigated, no such charge is made.

(*b*) Does not arise.

MIRZA MOHAMMED AFZAL BEG: Do you realize land revenue from the zamindars whose lands are entered as *Parta Abi* I?

K. B. RAJA MOHAMMED AFZAL KHAN: Land Revenue is not assessed on lands of *Parta Abi* I. The land which is irrigated by the Public Works Department canal, is called Nehri land and that which receives irrigation from kuhl is called *Abi* I.

MIRZA MOHAMMED AFZAL BEG: Is land revenue not assessed on such lands?

K. B. RAJA MOHAMMED AFZAL KHAN: No.

143. PANDIT AMAR NATH KAK: Will Hon'ble the Minister-in-Charge of Education Department be pleased to enquire and state: (*a*) Whether the question regarding the grant of increment in the salaries of low paid teachers was repeatedly put to the Minister in the Sessions of Praja Sabha and whether the answer given each time was that the matter was under consideration?

(*b*) Whether the matter has not been considered even now as was recommended by the Glancy Commission?

(*c*) Will the Government be pleased to state why the Government has taken such a long time to consider this question?

(*d*) Will the Government raise the salaries of those teachers, if so, when? Can a definite date be stated?

PANDIT RAM NATH SHARMA: (*a*) Yes.

(*b*) No.

(*c*) and (*d*) The general revision of salaries of Government employees is still under consideration

MIRZA MOHAMMED AFZAL BEG: Is also the question of effecting reduction in the pays of petty officials under consideration of the Government?

PANDIT RAM NATH SHARMA: Everything is under consideration.

MIRZA MOHAMMED AFZAL BEG: Has also the reduction in the pays of the petty officials been proposed along with this?

PANDIT RAM NATH SHARMA: The problem of increase and decrease in salaries is under consideration of the Government.

144. MR. LAJPAT RAI: (*a*) Will Government please state why Mukhtaru Siryara of village Bahu, Tehsil Jammu, who had served as a Guard in the Forest Department for about 19 years was retired from service on 14th Jeth 1983 without any reason?

(*b*) Has he been allowed the credit of his service? If not why?

(*c*) If the reply be in the affirmative, will Government be not justified in acknowledging the right of service of the poor retired Guard?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) Mukhtaru Saryara served as Forest Guard in Jammu Division from 30th Poh 1979 to 12th Assuj 1983 and was afterwards discharged from service for remaining absent from duty from 12 Assuj 1983.

(*b*) The rules do not allow any pension or gratuity being given to employees discharged from service for absence from duty.

(*c*) Does not arise in face of (*b*).

LALA LAJPAT RAI: Is it a fact that Mukhtaroo Guard proceeded on leave and the time when he joined after availing of his leave, was retired from his service

K. B. RAJA MOHAMMED AFZAL KHAN: It requires notice.

145. PANDIT AMAR NATH KAK: Will the Hon'ble Minister-in-charge of the Police Department be pleased to state: (*a*) Whether a revised seniority list of Jammu and Kashmir Police Officers was published in the year 1992, under the orders of the then Prime Minister and three months time was given to the officers that the position assigned to any one of them was not correct?

(*b*) What the number of representations was which were received in response to the order made in this behalf and how these representations were disposed of?

(*c*) Whether it is a fact that these representations were kept by the Inspector General of Police in his office for a long time *i. e.* about a year and were then submitted to the Home Secretariat where these representations were filed on the ground that these were received late; whether it is a fact that all or most of these representations were submitted to the Inspector General of Police within the prescribed period of three months? If any or all of these representations had been submitted within time and it was the office of Inspector General of Police which was responsible for the delay, will the Government reconsider the matter and reopen their cases for consideration of the aggrieved persons who have suffered for no fault of their and only in consequence of delay in submission caused by the office of the Inspector General of Police and not by the applicants?

PANDIT RAM NATH SHARMA: (*a*) Yes.

(*b*) Twenty four.

(*c*) It took a long time to scrutinise the representations

but each separate case was gone into and decided on its merits. It is not a fact that the representations were filed because they were received too late.

PANDIT AMAR NATH KAK: My submission is that the written reply we get is different from the reply which is being read out in the House. It was the case both in the first and the second reply. The one given to me is half reply. Sometimes these questions expand.....

MIRZA MOHAMMED AFZAL BEG: And sometimes these shrink.

PANDIT LOK NATH SHARMA: Owing to irregular weather in these days.

PANDIT RAM NATH SHARMA: I am reading the reply. As it is in English I will give you a copy of this reply.

PANDIT AMAR NATH KAK: Three parts of my question have not been replied. In the reply one point has been left out. I have put in the question that "whether it is a fact that these representations were kept by the Inspector General of Police for a long time *i. e.*, about a year". No reply has been given of this part.

PANDIT RAM NATH SHARMA: Yes the reply has been given.

PANDIT AMAR NATH KAK: What is the meaning of "Kuchh" More than a year or less than a year?

PANDIT RAM NATH SHARMA: Less than a year.

PANDIT AMAR NATH KAK: What is the actual time?

PANDIT RAM NATH SHARMA: Time could not be known.

MR. PRESIDENT (The Hon'ble Mr Justice K. L. Kichlu): The reply given is all right.

PANDIT AMAR NATH KAK: I have got the reply, Sir.

146. PANDIT AMAR NATH KAK: Will the Hon'ble Minister-in-Charge of the Police Department be pleased to state: (*a*) What the total number of the C. I. D. and C I. A. officers in the State is and what their number was in the year 1982 (number for each rank may separately be given)?

(*b*) What the number of the cognizable cases left as untraced by the Regular Police was during the last three years and what the number of cases out of these was which were traced through the Agency of the C. I. D. and C. I. A.

(*c*) Out of the cases left as untraced by the Regular Police in how many cases did the C. I. D. and C. I. A. officers recover any stolen property or trace the culprits and what the value of the property thus recovered was during the last three years?

(*d*) In view of the fact that the number of cases traced by C. I. A. and C. I. D. out of the cases left untraced by

Regular Police is very small will the Government consider the desirability of re-organizing and improving the C. I. D. and C. I. A. and also of reducing the number of the C. I. D. and C. I. A. officers ?

PANDIT RAM NATH SHARMA : (*a*) The peesent staff of C. I. A. and C. I. D. officers is :—

C. I. A.	C. I. D.
1 Assistant Superintendent of Police.	2 Inspectors.
4 Sub-Inspectors.	4 Sub-Inspectors
3 Assistant Sub-Inspectors.	4 Assistant Sub-Inspectors.
5 Head Constables.	5 Head Constable.
5 Selection grade Constables.	5 Selection grade Constable.

The staff in 1982 was :—
One Assistant Superintendent of Police.
One Shorthand Reporter.
2 Sub-Inspectors.
5 Head Constables.
1 Constable.

(*b*) 3492—63 were traced by the C. I. A.

(*c*) The value of property recovered was Rs. 16,972.

(*d*) The C. I. D. is not an investigating agency. A proposal to reduce the staff of the C. I. A. is under preparation.

PANDIT AMAR NATH KAK : Thank you

147 .PANDIT AMAR NATH KAK Will Hon'ble the Minister in-charge of P. W. D. be pleased to enquire and state : (*a*) Whether it is a fact that a number of employees of the P. W. D. was retrenched and that H. Hs' commands conveyed through the Prime Minister in the month of January 1933 or thereafter required the absorption of these hands on the occurrence of the earliest vacancies ?

(*b*) Whether it is a fact that these orders were confirmed and repeated several times subsequent to that also ?

(*c*) Whether out of the hands so retrenched there are still three incumbents, namely Tara Chand Khandhari, Prem Nath Fotidar and Amar Nath Fotidar still unprovided for, although numerous vacancies occurred since then ?

(*d*) If the answer of the above be in the affirmative, what were the reasons of non-compliance with the orders and commands of H. H. referred to above, will the Government take early steps to provide these persons with employment on occurrence of the earliest vacancies ?

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) Yes. The Government has ordered that the retrenched hands to whatever Department they belong should, as far as possible, be absorbed in order of the dates of their retrenchments and with due regard to the representation of other communities.

(*c*) Yes. They will be provided in due course.

(*d*) The question does not arise.

LALA SHIV NATH NANDA : They will be provided in due course what a fun.

148. PANDIT AMAR NATH KAK : Will Hon'ble the Prime Minister be pleased to state (*a*) Whether a Government employee can submit his appeal against the orders passed by his superior affecting his interests adversely to the Minister or to the superior authority directly or whether he has to submit it through the officer who passed the adverse order ?

(*b*) If the appeal cannot be submitted directly whether the Government employee intending to prefer an appeal can submit an advance copy of the appeal to the appellate authority and submit the appeal also through his superior officer ?

(*c*) If the appeal is to be submitted through the officer who passes the order appealed against what are the reasons for this rule when the appellant is not satisfied with the orders passed by the officer and appeals for rectifying the wrong done to him by the officer ?

(*d*) Whether it is a fact that the officers whose orders are appealed against sometimes use their official influence to persuade the appellants to withdraw the appeals and sometimes delay the submission of the appeals to the higher authorities unnecessarily ?

(*e*) Will the Government consider the desirability of modifying the rule and allowing the Government servants to prefer their appeals direct to the appellate authority, so that they may be able to bring injustice done to them to the notice of the higher authorities without offending their superiors and without unnecessary delay caused in consequence of submission of such appeals through proper channel ?

RAI BAHADUR PANDIT RAM CHAND KAK. (On behalf of the Hon'ble Prime Minister): (*a*) Such appleals must be submitted through the proper channel.

(*b*) No restriction is placed on an advance copy of the appeal being submitted to the appellate authority.

(*c*) The appellate authority has to pass orders on the appeal after considering the grounds of the appeal in the

light of the remarks of the officer who passed the order appealed against.

(*d*) Government have no reason to think so.

(*e*) Govdrnment consider that no modification of the existing rules is called for.

MIRZA MOHAMMED AFZAL BEG : Does not any action taken on an advance copy of the appeal unless report is received from the officer concerned ? Does the appeal remain undisposed of during the period ?

RAI BAHADUR PANDIT RAM CHAND KAK : No action is taken on the appeal.

MIRZA MOHAMMED AFZAL BEG : Then what is the use of sending appeals ?

RAI BAHADUR PANDIT RAM CHAND KAK : Under the rules these representations have to be sent up within a certain period and if it is not done then a report is called for.

LALA HANS RAJ : Are the people persuaded to withdraw their appeals ?

RAI BAHADUR RAM CHAND KAK : No persuasion is levelled.

149. PANDIT AMAR NATH KAK : Will the Hon'ble Minister-in charge of the Education Department be pleased to inquire and state :—

(*a*) Whether there are any teachers named (1) Amar Nath Fotidar, (2) Amar Nath Dembi, (3 Niranjan Nath Boni, (4) Anand Koul, (5) Dina Nath, (6) M Ghulam Hussain (7) M. Ghulam Mohammed, who were undergraduates and were employed in the grade of 20-1½-35 drawing Rs. 20 in the year 1987 in Kashmir Province ?

(*b*) Whether out of the teachers mentioned above Nos. 1-5 graduated in the year 1934 and 1935 A. D. and teachers numbered as 1,2,4 and 5 are drawing Rs 30 only and teacher numbered 3 is drawing Rs. 36 only ?

(*c*) Whether teachers numbered as 6 and 7 M. Ghulam Hussain and M. Ghulam Mohammed graduated long after the others in 1937 and these two were promoted to Rs. 44 or so soon after their passing the Examination ?

(*d*) If the answer be in the affirmative, will Hon'ble the Minister be pleased to state the number of the teachers who were superseded by M. Ghulam Hussain and M. Ghulam Mohammed when this promotion was granted to them and will Hon'ble the Minister be pleased to state the reasons for not raising the pays of teachers numbered 1 to 5 to Rs. 44 as was done in the case of M. Ghulam Hussain and M. Ghulam Mohammad ?

(*e*) Whether some graduates were appointed direct on a starting pay of Rs. 44 subsequent to 1934 and 1935, if so, what were the reasons of ignoring teachers mentioned above at Nos. 1 to 5 who are equally qualified and possessed of teaching experience which the new entrants do not possess.

PANDIT RAM NATH SHARMA: (*a*) Yes.

(*b*) Yes

(*c*) Yes.

(*d*) M. Ghulam Hussain has been given Rs. 44 in the Frontier as a special pay and not as substantive pay. Appointments in the grade of Rs. 44 are governed by the following rule :—

$\frac{1}{2}$ by direct recruitment.—$\frac{1}{3}$ by promotion from Lower grades by seniority. 1/6 to Departmental graduates out of turn, provided their work is exceptionally good. In the case of graduates getting special lift under this rule, like Ghulam Mohammad the question of supersession does not rise.

(*e*) Yes. Direct recruitment has been made on Rs. 44 under rule referred to above.

150. PANDIT AMAR NATH KAK: *Will* the Hon'ble Minister-in-charge of the Education Department be pleased to state : *a*) Whether under the departmental orders any proportion has been fixed for filling up vacancies in the grade of Rs. 44 for appointment of graduates, working in the Department and increment according to seniority ?

b) If no such proportion has been fixed whether ample scope has been left for teachers already in service for getting promotions to the grade of Rs. 44 and above ?

(*c*) If any such proportion has been fixed what that proportion is and the figures showing compliance with the orders prescribing that proportion may be mentioned out of the appointment made in this grade during the last three years ?

d) What was the number of appointments made in the grade of Rs. 44 during the last two years and how many posts out of these were given to the departmental men either on the ground of seniority or on the ground of their having passed the B. A. Examination.

PANDIT RAM NATH SHARMA (*a*) Yes.

(*b*) Does not arise

(*c*) 50 per cent. by direct recruitment 33 per cent. by promotion and 17 per cent. to departmental graduates as special lift. The figures are being collected.

(*d* (Number of appointments made in the grade of

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Rs. 44 during the last two years was 28 the number of posts given to departmental : men and graduate teachers either on the ground of seniority or having passed the B. A. Examination, was 16.

151. PANDIT AMAR NATH KAK: Will the Hon'ble Minister-in-charge of the Education Department be pleased to state: (*i*) Whether in almost all the Middle schools and in some of the High schools there is only one teacher for teaching Hindi and Sanskrit to all the classes?

(*ii*) What is the total number of Middle Schools and in how many out of them there is only one teacher for teaching both Hindi and Sanskrit and what is the number in which there are more than one teacher for teaching these subjects?

(*iii*) What is the total number of High Schools and what is the number of the Schools wherein there is only one teacher for teaching Hindi and Sanskrit?

(*iv*) What is the total number of Primary Schools and what the number of the Schools is where arrangements have been made to teach all subjects through the medium of Hindi instead of Urdu? What the number of classes in the schools is where such arrangements have been made and what is the number of teachers who teach the different subjects through the medium of Hindi?

(*v*) Whether it is a fact that inspite of the Resolution regarding the introduction of the system of imparting education through Hindi also having been passed in the Praja Sabha, no arrangements have so far been made in any Primary School for teaching all the subjects through the medium of Hindi? If such arrangements have been made the names of the schools wherein such arrangements have been made may kindly be mentioned?

(*vi*) Whether it is possible for one teacher to teach all the classes in Middle Schools and High Schools both subjects of Hindi and Sanskrit if there are students in all the classes who intend to take up both the subjects?

(*vii*) Will the Government make necessary arrangements for providing sufficient number of teachers for Primary, Middle and High schools to enable the students to take up Hindi as an alternative Vernacular from the very beginning of the education and take up both Hindi and Sanskrit in Middle and High Departments?

PANDIT RAM NATH SHARMA : (*i*) (*ii*) and (*iii*) Total number of Middle schools is 80. Out of these 59 schools have got one teacher for teaching Hindi and Sanskrit and there are 5 schools in which there are more than one teacher for teaching these subjects.

There are 15 High schools and 4 of them only are provided with one teacher each for teaching Hindi and Sanskrit. All others have more than one teacher.

(*iv*) The total number of Primary schools is 882. Hindi is taught in addition to Urdu in 40 Primary schools. In middle classes also a Hindu boy can take up Hindi as an additional subject. In High classes only one Vernacular is allowed by the University.

(*v*) The Resolution of Praja Sabha passed in 1936 suggested that arrangements should be made for teaching Hindi as an alternative Vernacular. In pursuance of orders passed by Government accepting this resolution, eight additional Hindi teachers were provided in year 1992-93 and eight in 1993-94 and this number was increased to sixteen after Government had accepted during the Budget discussion the suggestions made by the Members of the Praja Sabha that the pace in this direction should be accelerated.

(*vi*) If the number of students is small, one teacher can manage. The Department is prepared to give an extra teacher when the necessity arises.

(*vi*) Please refer to reply given against (*v*) and *vi*).

152. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) Will the Hon'ble Revenue Minister, with reference to question Serial No. 272 Q. D. No. 71 asked in a meeting of the Praja Sabha on 20th Assuj *1994*, please state whether funds are provided for annual *repairs* of Reasi-Rajouri road, Rajouri-Sohana road and Rajouri-Budhal road under the direction of Revenue Department (Wazarat Reasi)?

(*b*) Does the Hon'ble Revenue Minister know that the condition of these roads is bad and that it causes inconvenience to travellers, officers, tourists and pack and ride animals? Will the Hon'ble Minister please state whether the contract for the repairs of these roads is given to the Zaildars by the Wazir Wazarat? Is it a fact that the repair of these roads is nominally carried out once a year?

(*c*) If the answer to (*b*) above be in the affirmative, is not the money being wasted?

(*d*) Will the Hon'ble Revenue Minister please get the said roads repaired by transferring these to the Public Works Department? If not, why not?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) Provision for the repairs of *Reasi*-Rajouri and Rajouri-Sohana roads is made by the Revenue Department in Roadcess Budget. Rajouri-Budhal is not in the charge of the Revenue Department.

(*b*) *1st part.*—The tracts being extremely hilly these roads

cannot be expected to be as comfortable as those of the *Maidani Illaqa* (plains).

2nd part.—The contracts are sanctioned on the basis of lowest rebate, the offer being either from the Zaildar or any body else.

3rd part.—The repairs to these roads are executed within the sanctioned amount and according to the sanctioned estimates keeping in view the sanctioned grants, the work done is fair.

(*c*) No.

(*d*) With the increase of importance of these roads and availability of greater funds they will be transferred to the Public Works Department as has been done in the cases of Katra-Reasi Road etc.

MAJOR MIRZA ATTA MOHAMMED KHAN: Was not its importance taken into consideration at that time?

K. B. RAJA MOHAMMED AFZAL KHAN: It had been taken into consideration and is still under consideration of the Government.

153. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) With reference to question Serial No. 274 Q. D. No. 74 asked in a meeting of the Praja Sabha on 20th Assuj 1994, will the Hon'ble Revenue Minister please state what consideration was given to the question of Salani-Nandimarg road?

(*b*) Was this road transferred to the Public Works Department? Was the public inconvenience removed?

(*c*) If the answers to (*a*) and (*b*) above be in the negative, reasons may please be stated?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) The matter is under correspondence with the Hon'ble Public Works Minister and on receipt of his agreement Government sanction to the transfer of the Road to Public Works Department will be applied for.

(*b*) Not yet.

(*c*) Does not arise.

MAJOR MIRZA ATTA MOHAMMED KHAN: When it will be removed?

K. B. RAJA MOHAMMED AFZAL KHAN: It is being removed

154. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) With reference to question Serial No. 64 Q. D. No. 74 asked in a meeting of the Praja Sabha on 20th Assuj 1994, will the Hon'ble Revenue Minister please state whether on account of this road the *Illaqadar* has a considerable customs and Kahcharai revenue from the subjects of Poonch and the people of Tehsil Rajouri in the Jammu Province?

(*b*) If the answer to (*a*) be in the affirmative, will

Poonch administration arrange for the construction of the Behramgalla and Pahan road ?

WAZIR FEROZ CHAND (Wazir Poonch): (*a*) It is a source of a little income so far as the Poonch *Illaqa* goes.

(*b*) This road remains closed during the winter season on account of snow and is repaired during the summer season. In view of the above the last part of the question does not arise.

MAJOR MIRZA ATTA MOHAMMED KHAN: Does the Hon'ble Revenue Commissioner know that the road is a thorough fare and visitors, beasts of burden and other animals pass by this way ? If so, the amount that has been spent on the repairs of this road may please be stated ?

WAZIR FEROZ CHAND: It will be replied to after enquiry.

MAJOR MIRZA ATTA MOHAMMED KHAN: When ?

WAZIR FEROZ CHAND: In the next session ?

155. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) With reference to question Serial No. 272 Q. D. No. 73 asked in a meeting of the Praja Sabha on 20th Assuj 1994, will the Hon'ble Revenue Minister please state whether enquiries about the bridges for the said three Nullahs were made from the Wazir Wazarat Reasi ?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister please state what have been the results of enquiry as to the need of a bridge according to the report of Wazir Wazarat Reasi ?

(*c*) Will the results of the enquiries from the Wazir Wazarat be placed before the House ?

(*d*) If according to the report of the Wazir Wazarat need of bridges be felt, will the work of construction of bridges be entrusted to the Public Works ? If not, why not ?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) Yes.

(*b*) and (*c*) The Wazir Wazarat Reasi is of the view that the construction of the bridges will be useful and obviate inconvenience to the public.

d) In a country traversed by numerous hilly torrents and streams it is very difficult to throw a bridge at every crossing. The Government considers the expediency of different proposals and undertakes projects according to urgency. According to this policy a bridge across the Ans Nallah at Annas is already under construction. Proposals for other bridges will be considered on their merits and undertaken in order of urgency subject to availability . offunds.

156. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) With reference to question Serial No. 13 Q. D. No. 42 asked in a meeting of the Praja Sabha on 12th Assuj 1994, will the Hon'ble Revenue Minister please state under what provision of law the Panjotra (the Lambardars' dues) is realized from the zamindars-agriculturists of a village where the office of Lambardar is vacant when the Zaildar realizing the land-revenue cannot get the Panjotra ?

(*b*) If the answer to (*a*) be in the affirmative, will the realization of Panjotra be stopped during the period the office of Lambardar is vacant ?

K. B RAJA MOHAMMED AFZAL KHAN: (*a*) Panjotra is Lambardari Cess imposed on estates under rules framed under Section 28 (*i*) of Land Revenue Regulation to meet charges on account of Revenue Collection and other duties assigned to Lambardars. The question of temporary absence of a Lambardar's post is immaterial.

(*b*) Does not arise.

MAJOR MIRZA ATTA MOHAMMAD KHAN: Why the Lambardars' dues is realized from the zamindars when the office of the Lambardar is vacant ?

K. B RAJA MOHAMMED AFZAL KHAN: Land revenue is realized by the Numberdars. A brief reply has been given in the matter.

157. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) Will the Hon'ble Revenue Minister, with reference to question Serial No. 14 Q. D. No. 47 asked in a meeting of the Praja Sabha on 12th Assuj 1994, please refer to question Serial No 575 Q. D. No. 494, addressed to Mr. V. N. Mehta, the Hon'ble Revenue Minister and state whether a request was made in question Serial No. 515 that the *Khalsa* areas adjoining villages outside the demarcated forests be given to the zamindars-agriculturists for cultivation ?

(*b*) Is it a fact that Mr. V. N. Mehta, the then Hon'ble Revenue Minister, stated in reply to question Q. D. No. 494 that this had already been done at the time of demarcation of Forests and such Khalsa areas had been included in the village areas ?

(*d*) If the answer to (*a*) and (*b*) be in the affirmative, will the Hon'ble Minister please state whether the zamindars were dispossessed of *Nautor* areas included in villages boundaries subsequent made to 1982.

K. B. RAJA MOHAMMED AFZAL KHAN: The Praja Sabha Sad is again referred to reply to Q. D. No. 433 attention to which was drawn in the last Session of the Praja Sabha while replying to Q. D. No. 47. What was stated in reply

to Q D. No. 394 (and not 494) clearly indicated that vacant *Khalsa* lands adjoining villages but outside the demarcated forests had been included within the boundaries of the villages concerned. This meant that out of such areas *Shamilat* could be granted to Zamindars upto cent per cent. of the then existing area under cultivation. Any area in excess of the limit prescribed by Law could be available for cultivation only under waste land rules. Those zamindars alone were and are dispossessed who violated and violate the Rules under which a Khalsa waste can be given away for cultivation.

MAJOR MIRZA ATTA MOHAMMED KHAN: My question is that when zamindars were granted lands it was then proposed that Government would not hence forward claim the proprietory rights over such lands and hence according to this interpretation the *Khalsa* areas were turned into *Shamilat Deh*. It may please be stated whether the zamindars were dispossessed of *Nautor* areas included in villages boundaries?

MR. PRESIDENT ((The Hon'ble Mr. Justice K L. Kichlu): This is a new question.

MAJOR MIRZA ATTA MOHAMMED KHAN: *Vide* Q. 505 Q. D. No. 383 dated 28th October 1936 Srinagar Session and Q. D. No. 449 Q. D. No. 433 dated 19th March 1936 Jammu Session. (*a*) Will Hon'ble the Revenue Minister consider the questions referred to?

(*b*) If the rights of those zamindars who have reclaimed land be justified then will Hon'ble Revenue Minister issue orders for the Dakhal Kharaj of *Nautor* area after S. 1982.

(*c*) If the answer be in the negative then will Hon'ble Revenue Minister issue orders for the refund of revenue which has been charged at the rate in force in S. 1982 from those who reclaimed land after 1982.

(*d* Does the Hon'ble Revenue Minister know that this dual practice has made the zamindars restless? Why has the Ailan 17 pertaining to the Khalsa areas adjacent to the *Deh* not been followed so far?

(*e*) Does the Hon'ble Revenue Minister know that if the Ailan 17 had been followed before the land was reclaimed then, the question of *Nautor* would never have cropped up after 1982.

THE HON'BLE MR. K. N. KNOX (Revenue Minister). (*a*) The reply to Q. D. No. 433 may be referred to in this connection.

The questions referred to were disposed of finally and no further consideration is called for now.

(*b*) According to Rule 9 of Ailan No. 17 of 27th Bhadon

1984, all cultivated Khalsa lands broken up from waste, which would have included in areas detained in Rules (4) and (7) are recorded in the name of the possessor subject to certain conditions prescribed therein. *Nautors* made otherwise were unjustified.

(*c*) No such case has been reported.

(*d*) In view of (*b*) above, the question does not arise.

(*e*) As the Rules to regulate Nautors of *Shamilat* granted in 1982 were promulgated 1984, the areas nautored after 1982 were considered as *Shamilat* up to cent. per cent. of the basis cultivated area. The surplus areas could be available only under the Waste Land Rules-

158. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) Will the Hon'ble Rsvenue Minister, in regard to question Serial No. 77 Q. D. No. 52 asked in a meeting of the Praja Sabha on 12th Assuj 1994, please state whether the Public Works Department was addressed on the subject of bridging the Nullahs referred to in question Serial No. 77 ?

(*b*) If it be a fact. will the Hon'ble Revenue Minister please place a copy of the order on the table of the House ?

(*c*) Will the Houble Revenue Minister please state at what place the construction of a bridge over Nullah Ans referred to in question Q. D. No. 52 has been started ?

(*d*) Does the Hon'ble Revenue Minister know that bridges over the Nullah Ans are required to be constructed at two places, one on Rajouri-Budhal road the other at the crossing of the Reasi and Gulabgarh road ?

(*e*) If the answer to (*d*) be in the affirmative, will the Hon'ble Revenue Minister please state whether provision for the construction of bridges over the Nullah Ans at two places has been made ? If not, why not ?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) and (*b*) The question is receiving consideration of the Revenue Department and the Public Works Department will be addressed after the Revenue Department has come to a final decision.

(*c*) At Annas.

(*d*) and (*e*) The Praja Sabha Sad is referred to reply to part (*d*) of Q. D. No. 158 of this Session.

159. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) Will the Hon'ble Revenue Minister, in regard to question Serial No. 78 Q. D. No. 53 asked in a meeting of the Praja Sabha on 12th Assuj 1994, please state whether there is any law under which land-revenue is charged twice on lands for working a water-mill on them ?

(*b*) Will the Hon'ble Minister please place a copy of such law on the table of the House ?

(*c*) If the answer to (*a*) and (*b*) be in the negative, will the Hon'ble Minister please relieve the poor agriculturists from such burden? If not, why not?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) The reply to Q. D. No. 53 of the last session is too clear to need any further explanation.

(*b*) and (*c*) Do not arise.

MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) Does the Hon'ble Revenue Minister know that the zamindars start water-mills in their *Maroos* and proprietory lands that they pay *Abiana* for using the water of the Kuhl and that they pay land revenue also?

(*b*) If the answer to part (*a*) be in the affirmative, it may please be stated why is revenue charged for the second time for using the Kuhl water, when a water-mill is started?

(*c*) Will Hon'ble Revenue Minister remit land revenue in favour of such people who run water-mills with the water of such Kuhls? If not, why?

THE HON'BLE MR. K. N. KNOX: (*a*) Yes.

(*b*) Assessment is made not on water but on the use to which it is put. As it is utilised for two separate purposes in the case cited by the Praja Sabha Sad. *Abiana* on water-mill is charged separately.

(*c*) Does not arise.

160. KH. ALI MOHAMMED: Will Hon'ble the Home Minister please state which daily, weekly and monthly papers and magazines are subscribed for in the Jammu and Srinagar Libraries? How many of these are published in the State and how many of them are published outside the State?

PANDIT RAM NATH SHARMA:

Jammu Library.	Srinagar Library.
Daily.	
1. Civil and Military Gazette Lahore.	1. Civil and Military Gazette Lahore.
2. Tribune Lahore.	2. Tribune Lahore.
3. Leader Allahabad.	3. Hindustan Times Dehli.
4. Amritbazar Patrika Calcutta.	4. Amritbazar Patrika Calcutta.
5. Hamdam Lucknow.	5. Hamdam Lucknow.
6. Aj Benaras.	6. Martand Srinagar.
7. Akali Lahore.	.....

Jammu Library.	Srinagar Library.
Weekly.	
1. Eastern Times Lahore.	1. Eastern Times Lahore.
2. Illustrated Weekly of India Bombay.	2. Illustrated Weekly of India Bombay.
3. United India and Indian States Delhi.	3. United India and Indian States Delhi.
4. Whip Calcutta.	4. Whip Calcutta.
5. Bande Matram Lahore.	5. Gazette of India Delhi
6. Ranbir Jammu.	6. Illustrated London News London.
7. Pasban Jammu.	7. Education London
8. Vinkateshwar Bombay.	8. Vinkateshwar Bombay.
.....	9. Pasban Jammu.
....	10. Haqiqat Srinagar.
Monthly.	
1. Modern Review Calcutta.	1. Modern Review Calcutta
2. Indian ,, Madras.	2. Indian ,, Madras.
3. Industry Calcutta.	3. Twentieth Century Allahabad.
4. Physical Culture America.	4. Physical Culture America.
5. National Geographic Magazine America.	5. Scientific America.
6. 19th Century and After London.	6. 19th Century and After. London.
7. Zamana Cawnpore.	7. Strand Magazine London.
8. Hamayun Lahore.	8. Modern Student Calcutta.
9. Adabi Dunya Lahore.	9. Zamana Cawnpore.
10. Sarswati Allahabad.	10. Atalique Lahore.
11. Chand Allahabad.	11. Imdadi-Bahami Jammu.
12. Madhuri Lucknow.	12. Sarswati Allahabad.

Jammu Library subscribes two weekly papers which are published in the State, others are published outside the State.

Srinagar Library subscribes four papers which are published in the State, others are published outside the State.

161. KHAWAJA ALI MOHAMMED: Is it a fact that a Kashmiri Pandit who was working as Inspector in the Sericulture Department has been appointed on the post vacated by the transfer of Munshi Ghulam Mohammed, Head Clerk and that the vacant post of the Inspector has also

been filled by a Kashmiri Pandit ?

If the answer be in the affirmative, then, it may please be stated why none of these two posts has been given to a Mohammedan ?

R. B. PANDIT RAM CHAND KAK : *1st part*—Yes, but the post was not vacated by the transfer of Munshi Ghulam Mohammed who is a mulberry Assistant and not Head Clerk.

2nd part—Yes, the man appointed to the post of Inspector was a retrenched hand of the Kashmir Valley Food Control Department.

None of these posts could be given to a Mohammedan because the claims of those appointed to them were superior.

MIAN AHMED YAR : Will it be stated whether appointments of the retrenched hands are made on communal representations.

R. B. PANDIT RAM CHAND KAK : Yes.

MIAN AHMED YAR : But no such mention has been made in the reply.

R. B. PANDIT RAM CHAND KAK : It has been mentioned in the reply.

162. KH. ALI MOHAMMED : (*a*) Is it a fact that Government have agreed to grant agricultural land to the educated unemployed ?

(*b*) If the answer be in the affirmative, then, it amy please be stated why are the unemployed agriculturist who roam about in the Punjab in search of work and are in the right sense entitled to the grant of barren land been deprived of their rights ?

R. B. PANDIT RAM CHAND KAK : (*a*) A scheme for grant of agricultural lands to educated unemployed who are willing to take up agriculture as a profession is under consideration of the Government.

(*b*) No unemployed agriculturist has been deprived of his rights.

163. KH. ALI MOHAMMED : Is it a fact that there are several old and experienced Engineers in the Electrical Department and many State subject youngmen have also obtained distinctions. For example, Hakim Ghulam Mustafa is M. Sc. (Alig) ?

If the answer be in the affirmative, then it may please be stated why has a retired officer of the Mysore State been appointed as Chief Engineer on the retirement of Mr. Bose ?

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) In the interest of the Department.

MIAN AHMED YAR : Will it be stated what are those

local interests on account of which the local persons have been appointed ?

PANDIT RAM NATH SHARMA : The Government know this.

MIAN AHMED YAR : What are their qualifications and age ?

PANDIT RAM NATH SHARMA : The reply will certainly be given if you ask about these questions.

MIAN AHMED YAR : Sir, the Government should always be prepared to give reply to the supplementary questions which arise from the main question.

164. KH. ALI MOHAMMED : (*a*) If it is a fact that in classifying the newspapers of the State many Muslim papers have been ignored and several non-Muslim papers have also been dropped from the approved list ?

(*b*) Is it a fact that the All Jammu and Kashmir Muslim Conference and scores of State and outside papers such as the 'Ehsan' and the 'Milap' have protested against this ?

(*c*) (*i*) If the answers to parts (*a*) and (*b*) be in the affirmative, then it may please be stated what effect did the public opinion have on the Government and

(*ii*) What changes have been made in the approved list of the newspapers of the State ?

R. B. PANDIT RAM CHAND KAK : (*a*) There are both Muslim and non-Muslim newspapers in all classes of papers approved by Government.

(*b*) Yes

(*c*) (*i*) Classified lists of newspapers are revised at regular intervals and in accordance with well defined principles.

(*c*) (*ii*) Changes made at these revisions being confidential cannot be disclosed.

165. KH. ALI MOHAMMED : Will Hon'ble Prime Minister please state if during the last year new officers from outside were appointed as Director Industries, Director Medical Services and the Chief Electrical Engineer ?

(*b*) Is it also a fact that no Muslim was appointed on any of these posts and all these three posts were filled by non-Muslims ?

(*c*) If the answer to parts (*a*) and (*b*) be in the affirmative then, it may please be stated why have Muslim rights been ignored when filling these high posts ?

R. B. PANDIT RAM CHAND KAK : (*a*) Yes.

(*b*) Yes

(*c*) There has been, and there will be no ignoring of any Muslim rights. The appointments made were in the best

interests of the administration.

MIAN AHMED YAR: Why any Muslim candidate from outside the department had not been appointed? Were these posts advertised?

R. B. PANDIT RAM CHAND KAK: It is the business of the Government to decide.

MIAN AHMED YAR: Do not the orders of His Highness the Maharaja Bahadur express that all the posts should be advertised?

R. B. PANDIT RAM CHAND KAK: It is not necessary in all cases to advertise.

166. KH. ALI MOHAMMED: (*a*) Will the Hon'ble Prime Minister please state if it is a fact that the inhabitants of *Illaqa* Sonwar Bagh have been complaining in the papers that the Military Department have been strictly prohibiting them from building any houses in that site although no notice was taken of several officers. who recently built their bungalows there.

(*b*) If the answer be in the affirmative, then it may please be stated why are the inhabitants of that place subjected to this hardship and what steps have Government taken to remove this difficulty.

R. B. PANDIT RAM CHAND KAK: (*a*) Yes, complaints to that effect appeared in a newspaper of Srinagar. No permission to build any new houses has been given in the area falling within the limits of the Badamibagh Cantonment. In a few cases permission to execute urgent repairs to existing buildings and re-construct outhouses and kitchens, washed away by floods, on old foundations was given subject to the condition that no compensation would be paid should it be necessary to acquire these buildings at a latter date.

(*b*) Does not arise.

167. KH. ALI MOHAMMED: Will Hon'ble Prime Minister please state:—

(*a*) If during the last one year the post of Chief Secretary was created, the post of Director Land Records was separated from the post of the Panchayat Officer and the posts of Sessions Judges Jammu and Srinagar, Additional Sessions Judge Jammu, Director Visitors Bureau Kashmir, and the Chief Medical Officer, Jammu, were all filled up by non-Muslims and not even one Muslim was appointed on any of these posts?

If the answer be in the affirmative what were the reasons for ignoring the claims of Muslims?

R. B. PANDT RAM CHAND KAK: The officers appointed

to the posts named were non-Muslims. These appointments did not involve the ignoring of the claims of any Muslim officers.

MIAN AHMED YAR: Did not these appointments involve the ignoring of the claims of Muslim community?

R B. PANDIT RAM CHAND KAK: The reply given is definite. The reply is that these appointments did not involve the ignoring of the claims of any Muslim officer.

MIAN AHMED YAR: I enquire whether it does not effect the Muslim community on the whole?

R. B. PANDIT RAM CHAND KAK: It does not.

168. BAKHSHI MOTI RAM: (*a*) Do Government know that at Gutalian Pattan the travellers have to face very great difficulties in crossing the Jhelum river, and that several resoultions have been moved and speeches made to this effect which are on record in the Praja Sabha proceedings?

(*b*) If the answer to (*a*) be in the affirmative, will Government arrange for obtaining permission for the use of canal Patri for wheeled traffic so that the travellers may be saved from all these hardships?

PANDIT RAM NATH SHARMA: (*a*) Yes.

(*b*) Punjab Government was approached on the subject, but they expressed their inability to accede to this request.

LALA RAM LAL VAKIL: Was not such a resolution passed in the last Srinagar Session of the Praja Sabha that money will be provided in the budget 1935 for the construction of the road?

PANDIT RAM NATH SHARMA: Please refer the date and time when the resolution was passed so that the reply may be given thereto.

LALA RAM LAL VAKIL: I will give you the reference just now.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): You may please refer it and the reply will be given.

169 BAKHSHI MOTI RAM: (*a*) Do Government know that the road which leads from Mirpur to Poonch is a fair-weather road and whenever there is rainfall, lorry traffic is closed by order and the travellers have to wait under these circumstances.

(*b*) Do Government also know that even when there is a light shower, the lorries get stuck up and there is every possibility of an accident?

(*c*) If the answer be in the affirmative, will the Government widen this road and make it pucca, so that traffic may be possible bothways.

PANDIT RAM NATH SHARMA: (*a*) Yes

(*b*) Yes, to a certain extent as the road is *katcha*.

(*c*) The road will be metalled in due course on the availability of funds.

170. BAKSHI MOTI RAM: (*a*) Do Government know that in Illaqa Deva-Batala, where there is scarcity of drinking water, the people have to face very great hardships because there is no hospital in the neighbouring Illaqa although many questions have been asked in this connection.

(*b*) If the answer be in the affirmative, then, are Government prepared to open hospitals, first in Illaqa Deva Batala and then in Illaqa Simahni, Tehsil Bhimber?

PANDIT RAM NATH SHARMA: (*a*) and (*b*. The Medical Department is not in favour of opening more dispensaries till the present dispensaries are fully equipped.

The appointment of one Vaid or Hakim for Vatala and one for Saidabad or Simahni has been sanctioned.

SARDAR DHIAN SINGH: In reply to a question asked day before yesterday, it was stated that a scheme has been chalked out and in the first instance the dispensary of a certain Illaqa will be fully equipped and then some more dispensaries will be opened in other Illaqas?

PANDIT RAM NATH SHARMA: When?

SARDAR DHIAN SINGH: Day before yesterday.

PANDIT RAM NATH SHARMA: Please refer the number of the question.

SARDAR DHIAN SINGH: You do not remember. It was replied day before yesterday.

PANDIT RAM NATH SHARMA: I do not remember that question. Please refer the question, I will give reply to it.

171. BAKHSHI MOTI RAM: (*a*) Do Government know that there are neither grazing pastures for the cattle in Mirpur Khas nor is there even a shady tree for shelter in the sun?

(*b*) If the answer be in the affirmative, then, will Government arrange through the Municipal Committee Mirpur for throwing open the closed area to the north of Mirpur, near Khad for grazing purposes?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) Yes, there are no grazing pasture in Mirpur proper, but there are some shady trees in the town and its vicinity.

(*b*) The towns people have already pointed out this difficulty and the matter is being enquired into by the subordinate Revenue Officers. As mutation under Ailan No. 17 relating to the villages in which the required plot is tsiuated have not so far been attested the Wazir's proposal

will take some time to be brought to ahead, the required information will be furnished in the next session.

172. BAKHSHI MOTI RAM: (*a*) Do Government know that Gaoshalas are necessary for the protection of such cows as are old and weak and are turned out by their owners because they cannot feed them?

(*b*) If the answer be in the affirmative, then, will Government open "Gaoshalas"?

R. B. PANDIT RAM CHAND KAK: (*a*) and (*b*) Government agree that it would be useful to have more Gaoshalas than are at present available for harbouring old and decrepit animals, but they consider that the opening of such Shalas is primarily a matter for private philanthropy and for charitable institutions religious and otherwise.

173. BAKHSHI MOTI RAM: Will Government please state how has the Jubilee Fund been spent; who has spent it and where?

R. B. PANDIT RAM CHAND KAK: The attention of the member is drawn to the Press Note dated 5th March 1936, which gives the required information.

Press Note dated 5th March 1936.

In connection with the commemoration of His late Majesty King George's Silver Jubilee Fund was inaugurated in the State to be devoted to the relief of the poor and the needy. His Highness' Government were pleased to appoint a Central Committee consisting of the Ministers with the Political Secretary as the Secretary to the Committee and to carry out the directions of this Committee, Provincial, District and Tehsil Committees composed of officials, Jagirdars, members of the State Assembly and local gentry were set up. It was announced that out of the total amount collected 70 per cent. would be returned to the administration concerned for expenditure within its borders.

The total collections amounted to Rs. 3,16,949/12/3. Out of this Rs. 83,785 have been paid to the Silver Jubilee Fund India and Rs. 37,756/9/- which includes Rs. 20,500 disbursed on account of Sweep and Flag prizes have been spent on local celebrations and other such charges. This leaves a balance of Rs. 1,95,435/3/3 out of which after paying Poonch and Chenani their share Rs. 1,75,000 will be left for utilisation in the State. This sum has been proposed to be expended towards the following schemes as under :-

1. Rs. 1,10,000 for enlarging the treatment of tubercu-

losis in both the Provinces of Jammu and Kashmir.

2. Rs. 25,000 for Zenana Hospital at Mirpur to which the amount of Rs 15,000 already offered on behalf of Mr. Raghbir Singh for the purpose will be added.

3. Rs. 40,000 to fight venereal diseases in sub-mountain Tehsils of Jammu Province.

174. BAKHSHI MOTI RAM : (*a*) Do Government know that sanction has been accorded for opening a Lady Hospital in Mirpur and that while the case is complete; the Hospital has not been started so far ?

(*b*) Do not Government realize that for the up-keep of the lives of the women of this very important town the opening of a Lady Hospital is absolutely necessary ? If so, then why this delay ?

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) The work of construction will be started as soon as preliminaries are settled.

175. BAKHSHI MOTI RAM : (*a*) Will Government please state when will the Motor road from Bimber to Mirpur be ready ?

PANDIT RAM NATH SHARMA : (*a*) The road is under construction and will be completed soon.

176. PANDIT LOK NATH SHARMA : Is it a fact that stray animals walk into the compound of the District Court Jammu and injure some of the litigants and also eat away the stamps and other papers belonging to them ?

PANDIT RAM NATH SHARMA : There is no compound aptly so called to the District Courts at Jammu. The place which is at present used as a compound is a public thoroughfare and as such does not contain any railing or is not enclosed by a wall on all its sides. No damage by animals has so far been reported.

PANDIT LOK NATH SHARMA : The question was "Is it a fact that stray animals walk in the compound of the District Court Jammu" to that you gave me no reply ?

PANDIT RAM NATH SHARMA : There is no compound. It is a public thoroughfare, and the animals walk about on thoroughfares.

PANDIT LOK NATH SHARMA : Can I take it from the answer that the litigants have to wait on public thoroughfare ?

PANDIT RAM NATH SHARMA : You can draw your own conclusions.

MIRZA MOHAMMED AFZAL BEG : Have animals ever eaten stamp papers ?

PANDIT RAM NATH SHARMA : We have no such information

MIAN AHMED YAR : If on an enquiry it is proved that the animals cause great trouble to the people, will some arrangements be made for the litigants ?

PANDIT RAM NATH SHARMA : It will be taken into consideration provided there is any such complaint.

177. PANDIT LOK NATH SHARMA : Is it a fact that there is no place of sitting for the litigants who come for cases in the High Court of Judicature at Jammu ?

If so, will Government take early steps to alleviate this trouble ?

PANDIT RAM NATH SHARMA : Yes.

The que-tion is one of money. When new High Court and other Government buildings are rected an attempt will be made to provide a suitable litigants shed also.

178. PANDIT LOK NATH SHARMA : (*a*) Is it a fact that the State Telegraph Line runs parallel to the B. C. Road from Jammu to Srinagar.

(*b*) Is it also a fact that the State Telephone Trunk Line also runs parallel to that ?

(*c*) If both be in the affirmative, will Government consider the advisibility of installing telephones on important halting stations on the B. C. Road ?

PANDIT RAM NATH SHARMA : (*a*) and (*b*) It runs parallel to the B. C. Road for a great portion of it.

(*c*) Telephones cannot be installed at intermediate stations on the B. C. Road by tapping the existing Jammu Srinagar copper circuit which is a trunk line and on which way side telephones cannot be connected. Construction of a separate line will be required for installing a telephone at each station from Jammu and Anantnag and the cost will be very heavy. There are telegraph offices at all halting places on the B. C. Road which are at the disposal of the travellers on the road. There has not been felt any acute or imperative demand for telephones which would justify very heavy expenditure for providing telephones at the halting places.

179. PANDIT LOK NATH SHARMA : (*a*) Is it a fact that legal practitioners are not allowed to appear in mutation appeals before the Governor Jammu ?

(*b*) If the answer to the above be in the affirmative, will a copy of the order by which they have been so stopped of the order be laid on the table of the House ?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(*b*) The attention of the Hon'ble Praja Sabha Sad is drawn to rules contained in Section 18 of the Land Revenue Regulation.

It appears that only such legal practitioners are entitled to appear before a Revenue Officer as have taken out a license as a revenue agent. A revenue agent is not entitled to appear in any but revenue-judicial suits and revenue appeals. In the case of revenue appeals the rule is that the revenue agent may appear unless for reasons to be recorded permission is refused. Such refusal is appealable.

PANDIT LOK NATH SHARMA: Has Governor issued any general order in this connection that in mutation appeals lawyers cannot plead the case? If so under what rules he has issued such orders? Has be been invested with some special powers.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: The answer is 'yes'. Personally he has issued such general orders under section 18. Have not you got my reply?

PANDIT LOK NATH SHARMA: I have asked for a copy of the order.

THE HON'BLE SIR LAL GOPAL MUKERJI KT.: You can look at the orders.

PANDIT LOK NATH SHARMA: Was he competent to do so?

THE HON'BLE SIR LAL GOPAL MUKERJI KT.: Personally he has acted under section 18. I will look into the matter and issue instructions that he should not go beyond section 18.

180. PANDIT LOK NATH SHARMA: Will the Government lay on the table of the House the number and names of cases in the High Court in the year 1994 up to the date of question in which legal practitioners have been asked to appear as *amicus curiae* along with the names of the lawyers appearing in such cases?

PANDIT RAM NATH SHARMA: The following is a list of murder cases in which lawyers appeared in the High Court as *amicus curiae* from Baisakh 1994 upto Magh 1994.

Cases.			Pleaders name.
1. Santokh Singh	*Versus*	State.	L. Anant Ram Gupta.
2. Samol Majjar	,,	,,	Mr. A Sami Pal.
3. Fateh Baz	,,	,,	Mr. Abdul Ahad.
4. Rahim Beg	,,	,,	Mr. A. Sami Pal.

Cases.			Pleaders name.
5. Sain	*Versus*	State	Mr. Mohammed Abdullah.
6. Sehja son of Mangal	,,	,,	Pt. Jia Lal Kilam.
7. Roda Khan	,,	,,	M. Asadullah.
8. Piran Ditta and Niaz Ali.	,,	,,	Ch. Hamidullah.
9. Satar Loan	,,	,,	Sh. Gulam Gais.
10. Fateh Hayat and Biru.	,,	,,	Sh. Abdul Hamid.

181. PANDIT LOK NATH SHARMA: (*a*) Is it a fact that many witnesses from Jammu before the Anti-Corruption Committee have testified to the integrity and honesty of one Bodh Raj, Clerk of the Sessions Court, Jammu?

(*b*) Is it also a fact that fact that Hon'ble the Chief Justice has issued a letter to him appreciating his work and his honesty?

(*c*) If the answers to (*a*) or (*b*) be in the affirmative, does the Government intend to reward the said clerk in any way?

PANDIT RAM NATH SHARMA: (*a*) Yes,

(*b*) Yes.

(*c*) Every Government servant is expected to be honest, nd therefore mere honesty cannot be considered as a ground or special promotion.

PANDIT LOK NATH SHARMA: Did the witness say before the Anti-corruption Committee, which I have referred to in my question, that the person is honest? There are many officials in the lower grade in the Revenue and Judicial departments who bear good reputation for their being honest but nobody can stand surety for the fact. He is the only man about whom one can say with certainty that he is an honest man whose reputation is unimpeachable. Even the Chief Justice has good opinion of his work. Keeping all these things in view, I want to know as to what encouragement has been given to him.

PANDIT RAM NATH SHARMA: You are delivering a speech but it is not the time for that.

PANDIT LOK NATH SHARMA: I do not want to make a

speech. You don't understand the question.

I say (repeats the question).

PANDIT RAM NATH SHARMA: The reply has been given that mere honesty cannot be considered as a ground for special promotion.

PANDIT LOK NATH SHARMA: It means that promotion is given by being dishonest (Laughter).

SARDAR DHIAN SINGH: Cannot honesty stand an official in good stead.

PANDIT RAM NATH SHARMA: Certainly, It does. But if an illiterate man is given promotion where he will be put in.

182. PANDIT LOK NATH SHARMA: (*a*) Is it a fact that if an employee of His Highness' Government applies for casual leave for reasons of ill health or otherwise not intending to leave the station, the provisions of note to Article 133 K. S. R. are applicable. For instance, A falls ill on Monday for which day he applies for leave, the preceding Sunday is also counted as leave?

(*b*) Is it a fact that if an employee of His Highness' Government intends to proceed on privilege leave from a particular date, for instance, from 30th Maghar and is due on 9th Poh which is a public holiday on account of Christmas provisions of note 5 to Articles 123 are applicable even though he may have reached the station on the latter date?

(*a*) If the answers to (*a*) and (*b*) are in the affirmative, will the Government please state whether such uncalled for restrictions are not a great hardship to the employees and are the Government prepared to make necessary amendment in the rules in the light of the facts above stated?

PANDIT RAM CHAND KAK: The conditions subject to which holidays might be combined with casual or privilege leave in the State are less liberal than in British India. The Government undertake to re-examine them with a view to decide what amendments may be made

183. SUBEDAR KHAN MOHAMMED KHAN: Is it a fact that since long the construction of bridge at Mahil, and road between Rawalkot and Kohala have been under consideration of the Government? If so, it may please be stated how long will these very important works remain under consideration?

WAZIR FEROZ CHAND: Yes, A *katcha* bridge for pedestrians exists on Nallah Mahal. The question of constructing a pucca bridge over Mahal Nallah near village Harigehl will be considered when the Motor road is extended from Rawlakote to Harigehl. Orders for taking up steps towards

the construction of the above road have already been issued.

A sum of Rs. 300 has recently been sanctioned for repairs to road from Harigehl to Kohala and the work is in progress.

In view of the above the last part of the question does not arise

184. SUBEDAR KHAN MOHAMMED KHAN: Will the Pooneh Administration please state when will the construction of the buildings of Middle Schools at Bagh and Dharkot be completed?

WAZIR FEROZ CHAND: Orders have already been issued for providing money in the next year's budget for the construction of Middle School Bagh.

As to the construction of Bhirkot Middle School building the matter will be considered after the construction of Rawalkote and Bagh School buildings.

185. SUBEDAR KHAN HOMAMMED KHAN: It may please be stated how long will the exemption of Kohala 'Rasum' remain under consideration as the travellers are protesting against this unreasonable exaction.

WAZIR FEROZ CHAND: The levy of Poonch Rasum or Kauriana has been stopped since 1st Baisakh 1990, and the representation of the Illaqa asking for reimposition of the Rasum is under consideration.

SUBEDAR KHAN MOHAMMED KHAN: It has been stated in the reply that the Resum has been stopped but in fact it has not so far been discontinued. The Rasum is realized from the travellers coming therefrom. Will an enquiry be made in this behalf and the realization of Rasum practically stopped.

RAI BAHADUR PANDIT R. C. KAK: The tax referred to has been stopped.

SUBEDAR KHAN MOHAMMED KHAN: It has been stopped theoratically but not in practice.

RAI BAHADUR PANDIT R. C. KAK: Enquiry will be made whether it is a fact or not.

SARDAR DHIAN SINGH: When this matter was under the consideration of the Government, why was it stopped?

RAI BAHADUR PANDIT R. C. KAK: It has been stopped completely. He says it is not so. We have undertaken investigation whether it is a fact or not Government are not aware that the Rasum is being collected.

186. SUBEDAR KHAN MOHAMMED KHAN: Is it a fact that all foodstuffs are exempted from customs duty, but duty is charged on flour? Will Government remove this nominal duty in case of flour also.

PANDIT RAM NATH SHARMA: *Part I*—No.

Part II—Does not arise.

KHAN MOHAMMED KHAN: Is not the Customs Duty levied upon the flour imported from outside?

PANDIT RAM NATH SHARMA: Yes the Customs Duty is levied.

SUBEDAR KHAN MOHAMMED KHAN: Is that not included in the crop?

PANDIT RAM NATH SHARMA: It is not (laughter).

187 SUBEDAR KHAN MOHAMMED KHAN: Do Government know that Nullah Gun is a very dangerous Nullah? Is it a fact that it rises in floods at a time when the zamindars have to depend on the produce of the British territory but due to floods this Nullah in not fordable?

Is it also a fact that in view of these difficulties, it was decided by the Government to construct a bridge on this Nullah but the construction has been left incomplete? What are the reasons for not completing the construction of this bridge?

WAZIR FEROZ CHAND: The Praja Sabha Sad should please specify the situation of the Nallah to enable necessary enquiries being made.

SUBEDAR KHAN MOHAMMED KHAN: The Wazir Poonch is also aware of this Nullah and knows that the work was started twice. Half of it was completed but subsequently it was stopped. The work was started again but it waa stopped some two months back.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) When you will explain the question a reply thereto will be given.

SUBEDAR KHAN MOHAMMED KHAN: The Wazir is listening to all this. He knows the place. It is Nullah Goon which is situated near the Lachman Pattan.

WAZIR FEROZ CHAND (Wazir Poonch): The work was stopped on account of cold weather.

188. SUBEDAR KHAN MOHAMMED KHAN: Are Government fully aware of the story of the Lachman Pattan bridge? What is its total income and whether in almost every session questions have been put regarding the construction of this bridge but the reply has invariably been that the matter is under correspondence with the British Government and as soon as the necessary permission is received orders will be issued for the construction of this bridge. Will Government please state when was the British Government first addressed regarding the construction of this bridge and when shall we expect the construction of this bridge to be undertaken?

WAZIR FEROZ CHAND: Yes, so far as the first part of the question goes total income on account of customs and bridge toll for the last year comes to Rs. 64,991-8-0 and Rs. 2,420-14-0 respectively.

Yes, so far as the second part of the question goes the British Government was first addressed through the Resident in Kashmir by His Highness Government, Jammu and Kashmir, in the month of February 1937.

The work regarding construction of the bridge shall be taken up as soon as the action taken by the Punjab Government for acquisition of the land under land Acquisition Regulation is finished and intimation thereof received by the Poonch Administration.

SUBEDAR KHAN MOHAMMED KHAN: When can this correspondence be expected to come to an end? This question is being asked for the last four years from the time the Praja Sabha was established and the reply given at every time was that correspondence in this behalf was going on with the Government of India and the bridge would be constructed when a settlement is arrived at. I am asking that when will this settlement be reached?

SHEIKH ABDUL HAMID: Patience has its reward.

SARDAR DHIAN SINGH: My submission is whether such delays are caused in the affairs of the Government also as is being done in Poonch.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): They say that correspondence is going on.

SARDAR DHIAN SINGH: I want a reply to my question.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Reply has been given. The matter is under consideration.

189. SUBEDAR KHAN MOHAMMED KHAN: (*a*) Is it a fact that Government gave contract for the construction of road between Sawa, Bhatia and Rawlakote at the rate of Rs. 150/2/- per mile to Sardar Alam Sher Khan of Maug Tehsil Sudhnuti?

(*b*) Is it also a fact that the said contractor spent a very large amount from his own pocket and constructed in the hilly *Illaqa* a road fit for traffic but inspite of the fact that four years have since passed he has not been given any payment and he is heavily burdened with interest? If the answer to parts above be in the affirmative, then, will Government please state why has no payment been made to the contractor so far?

WAZIR FEROZ CHAND: (*a*) Yes.

(*b*) The contractors were reported not to have executed the work in question and it was therefore that no payment was made to them. The contractors have, however, alleged

that the work has been executed by them and the matter has been reported to the Revenue authorities for further investigation and report. The payment will be made when the contractors are found to have fulfilled their part of the agreement.

LALA RAM LAL VAKIL : Sir, I want to ask why no reply has been given to the supplementary question to my question No. 168.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): That question is now over. No reply to that question can be given now. You had better ask it at that time.

PANDIT AMAR NATH KAK : What is done is done for good.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The discussion on the Press and Publication Amendment Regulation that was begun the other day will now be resumed.

MOULVI MOHAMMED ABDULLA : First of all I want to ask the pardon of the House.

VOICES : Louder please.

MOULVI MOHAMMED ABDULLA : Since I do not intend saying anything against anybody therefore I hope there would be no discussion or criticism in case some objection is raised in the course of my speech; hence I may be pardoned if in the course of my speech, some objectionable words escape my lips. As my health is not sound therefore my opinion too is not sound, and secondly this is the last session of the Praja Sabha and perhaps this will be my last speech.

LALA SHIV NATH NANDA : No you are still to live long.

PANDIT AMAR NATH KAK : May you live long.

MOULVI MOHAMMED ABDULLA : I have purchased the ticket, the train is about to leave and I am going.

VOICES : May you live long.

MOULIV MOHAMMED ABDULLA : Now I come to the subject proper. I would like to tell that the newspapers are like a mirror wherein we see the picture of the country and the conditions of the people living therein. Just as by looking into the mirror we set our face aright, adjust our turban and try to remove the blemishes on our face, similarly the Government with the help of the newspapers, can remove the defects in the administration and the people too can become acquainted with their own conditions and thus can improve their lot. But this can be achieved only if the editor is capable and intelligent, knows the political conditions of the country, is honest and, who, in good faith, publishes such news as are true and who neither flings

mud on the Government without any reason nor loses confidence of the public, and it is such a press and newspapers which can prove to be a blessing for the country, community and the Government; and such newspapers should be held in esteem by the people. But quite contrary is the case in our state where journalism is made to serve quite different ends. We have the press as well as the platform in the State but they are run simply for earning the livelihood. Here the editors do not possess much ability and instead of bringing about an amicable settlement they try to disgrace others. Here the editors of the newpapers are illiterate and are not very efficient. The editors here do not feel the slightest hesitation in publishing false news in the newspapers; but on the other hand those editors who are generally in the habit of publishing false news are held in high esteem by the people. My submission is that such newspapers would also be called as mirrors, but these mirrors would be rusted ones in which we can see our face no doubt, but the nose will look bent, and the face twisted and full of blemishes. But we have to see whether the newspapers in British India are also of the same type. I know and do not hesitate to admit that it is not only to the newspapers of the State which are full of such defects but most of the newspapers in British India also contain objectionable matter.

MR. M. A. BEG: Worthy of respect.

MOULVI MOHAMMAD ABDULLA: No Sir, objectionable. There are in the Punjab many literary men and famous journalists like Maulana Zafar Ali Khan and Khan Hasan Nizami etc. but inspite of the fact that Kh. Hasan Nizami is a capable, learned and responsible person he published a cartoon of Moulana Mohammad Ali wherein he was shown to be holding an axe in his hand and cutting the roots of the tree of Islam. I would at the same time submit that the administration of "British India is far better than that of our State but by saying this I do not mean that the condition of Press there is better than in our State; on the other hand I would submit that if the condition of Press in our State is not good the condition of Press in an advanced and civilized country like British India too is not upto the mark. There are in our State such editors also who cannot write anything and get the articles written by others and publish them in the newspapers but still they are called editors. Some have read upto the Primary Standard while others do not possess even that much qualification and there are some who neither get anything to eat nor can they earn their

livelihood by any other means. The common people do not know that the contents of the news-papers are and what the articles subscribed therein mean and for this reason the articles published in the newspapers, here, are such as are meant for feeding the brains of the common people. It is no fault of the editors. The people are illiterate and ignorant and have such a low mentality that they do not feel interested in anything else but the abuses and insults hurled at others. The fact whether the newspapers are good or bad, depends upon the pubiic and when such is the condition of the public the newpapers cannot rise above that level. Thus in our State where the mentality of the people has become low the editors of the newspapers are inefficient and the Government too is inefficient. Under these circumstances it can not be expected that the newspapers of the State can voice the feelings of the people henestly.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): You have not said anything regarding the Bill.

MOULVI MOHAMMAD ABDULLA: Sir, what I mean to say is that the object of introducing the Press and Publication Amendment Regulation in the House is to raise the Law in force in the State to the level of that in force in British India. While judging the standard of a newspaper, three, things are taken into account, namely the ability of the editor, the mentality of the public and the management of the Government. I have already submitted that I do not want to raise any objection or criticism against any person, because I have no enmity or quarrel with anybody; and therefore if my words seem disargeeble to anybody he should pardon me. I want to give vent to my feelings. I was saying as to what were the reasons which led to the lowering of the prestige of the newspapers and that is this that the editors of the newspapers cannot help publishing flase news, carrying on false propaganda in their newspapers and doing their best to abuse the people and fling mud on respectable persons and this is because such journalism is very much liked by the people. I want to place my personal experience before the House. You will wonder at what am I speaking, but I want that you also may come to know it just as it is known to the Hon'ble Prime Minister. I have stated that at this time neither am I the representative of the people nor have I been a flatterer of the Government.

MR. M. A.BEG: But at this time you are flattering.

MOULVI MOHAMMED ABDULLA: Please do not speak when I am making a speech. I have come here to give vent to my feelings. Do not interrupt me by making noise. A few

days ago I went to see the Hon'ble Prime Minister and told him that neither I was the representative of the public nor a toady of the Government and at this he told me that he liked such persons who were not the toadies of the Government and who honestly placed before him the troubles and sufferings of the poor people. But I am very sorry that I fell ill and could not find an opportunity to see him again so that I could place before him a living sketch of the conditions of the Government officials and the people. Last year there was much talk in all the Muslim papers that in the Mattan case a certain Magistrate had insulted the Holy Quran, inspite of the fact that there was not a grain of truth in it, but there was another motive at the root of this agitation. I out of fear for God, and with a view to save my community from going astray and to save the good name and reputation of Islam, expressed my honest opinion that there was, in the judgment, absolutely no such thing as an insult directed at the Holy Quran. The object of Islam is to spread the Truth in the world and not to give an impetus to untruth. I read the judgment and came to the conclusion that the judgment did not contain any insult.

LALA HANS RAJ: Bravo.

MOULVI MOHAMMED ABDULLA: I heard a voice from within telling me that my religion did not teach the suppression of Truth, and the teaching of the Prophet of Islam urged me not to remain silent at this time and therefore I expressed my true opinion for which I was abused and the "Naujawan" Jammu published my cartoon in which I was shown as a dog with a string in my neck.

PANDIT JIA LAL KILAM: Shame on that paper.

MOULVI MOHAMMED ABDULLA: Well, I thought, whatever has been done is right and I simply want to give expression to my inner feelings and am not afraid of the Government. Then nothing was heard of the first insult and the result of what I said was that after this the alleged sacrilege in Poonch was put in the front. Thanks to the Hon'ble Prime Minister who controlled the situation and the agitation started by the Hindus was also suppressed. In my opinion it is impossible to reform such newspapers as are following the policy of concealing the Truth and feeling proud. I know that I am making a dangerous speech but I am doing so with a great restraint. The poor editors also are helpless because being publicmen they have to voice the feelings of the public. The public is under the control of the platform and the platform is controlled by the Govern-

ment and therefore fault lies with the Government. Now I shall come to the Government which has created the press and the plateform. The Government is quite a different thing but the lack of farsightedness, injustice, want of the study of human psychology and not reforming the press and the platform constitute serious mistake on their part, and the Government is held responsible for all these consequences.

Mr. M. A. Beg: Sir, in view of the possibility of long speeches that might be delivered I want to submit that some time-limit should be enforced.

Mr. President (The Hon'ble Mr. Justice K. L. Kichlu): Of course, time-limit will be enforced. It will be 15 minutes for every speaker.

Pandit Jia Lal Kilam: Sir there is a time limit for delivering speeches with respect to resolutions but as regards bills no time-limit has been fixed in the rules. It lies within your discretion therefore to fix any time-limit with regard to bill.

Mr. M. A. Beg: It is a wonderful logic that no time-limit should be imposed with respect to bills when a time-limit has been enforced with regard to resolutions.

Pandit Jia Lal Kilam: As the law stands no time-limit has been fixed for speeches with respect to bills.

Mr. President (The Hon'ble Mr. Justice K. L. Kichlu): If the House thinks that a time-limit should be prescribed this can be done.

Mr. M. A. Beg: Some time-limit must be prescribed.

Mr President (The Hon'ble Mr. Justice K. L Kichlu): All right, but if you are of opinion that there should be no time limit then the speeches will take much time.

Pandit Amar Nath Kak: It is not proper to give a long rein.

Mr. President (The Hon'ble Mr Justice K. L. Kichlu): I think fifteen minutes would be quite sufficient.

The Hon'ble Dewan Bahadur N. Gopala Swami Ayyanger (Prime Minister): I have not the slightest desire to restict the debate on this motion but with a view to see that business is transacted with reasonable expedition I think it desirable that you, Sir, should indicate some kind of time-limit. It need not be an unreasonably short time but a limit which will give a fair opportunity to Members to express their views without at the same time allowing them to drag on the discussion to a great length.

Pandit Amar Nath Kak: Let it be 20 minutes.

Mr. M. A. Beg: Four members will speak from our party.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Do not you think that twenty minutes will be reasonable.

VOICE: Quite reasonable, Sir.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Maulvi Sahib, you will get ten minutes more.

MAULVI MOHAMMED ABDULLA: Sir, the time is very short and I had come prepared on this subject. The worst of it is that when I wrote to my son the editor "Albarq" to let me know how far is it proper to tell a lie, and he replied that in politics we cannot do without it. (Cheers)

HON'BLE MEMBERS: Why do you feel anxious. I wanted to expose the Government as well as the public but the time is very short and I cannot help it. My sole mission is that the Government have provided the platform but it was the duty of the leaders to come to the platform and reform the minds of the people. But the platforms are used for disgracing others. It is said that telling lies is indispensable in politics.

MAULVI MOHAMMED ABDULLA: But I want to ask why are you bringing bad name to Islam. And at the same time I would submit that unless the Government mend their attitude and unless the platform is set aright, the newspapers would not refrain from using abusive language even if hundreds and thousands of laws are framed. Because their case is like a Zaildar who used to call everybody as "Haramzada." A complaint was sent to the Deputy Commissioner Abbotabad to the effect that the said Zaildar was abusing others. He called the Zaildar and asked him not to use abusive language and on this the Zaildar said the devil says that I abuse others and who the devil has told you that I abuse others and who the devil is prepared to entertain complaints against me. At this the Deputy Commissioner folded his hands and said "Mr. Zaildar! you cannot help calling names. I cannot say anything to you." My submission is that why are you gagging the editors of the newspapers who are helpless. The platform compel them to do so. I asked the editor of a newspaper as to what language was he using and he replied that if they did not use that sort of language the Tehsildar would not give up receiving bribes. If we write something against him to-day it would surely produce some effect on him the next day. In view of these facts if you want to prevent it with the help of law, I am opposed to it. Tennyson has written in his book that law is a worst sort of injustice, and it is of two kinds, namely irregular and regular. I would at the same time submit

that evils cannot be removed by framing law. The better course would be to mend your ways try to do justice and also try to make the Government officials honest and civilized. The Government should ask the leaders to bring the public to the right path and also ask them to give up saying such thing as" we shall shed even the last drop of our blood." but they should develop character among the people. You should put some moral pressure on the editors of the newspapers, should follow a set policy like Sir Sikander Hayat Khan and should advise the leaders. Do not put anybody within the grip of law. The enforcement of law is in no way useful. It is true that this character cannot now be improved. The spirit like that of Hitler is working everywhere and there is Hitler in every house. The Government have paid no attention to improving the character of the people. Unless this is done the law can be of no use. I want to reply the two points raised by the Hon'ble Prime Minister. One of those is that the prestige of the Government should be maintained. It is quite true. Prophet Mussa was ordered by God to go to King Faroon with his brother but since the former was proud he was advised to talk to him mildly and not harshly so that he may not get enraged. I think the same principle is followed among the Hindus also. We cannot serve any purpose by disgracing others. The only way for maintaining the prestige is to reform the minds of the people, and the Government should change their present attitude. By doing so you can civilize the papers otherwise nothing can be done by making law. The second thing relates to the communal troubles. There is no communal tangle in the Jammu and Kashmir State except that of the Government Services. Either do away with the Glancy Commission Recommendations or adhere to them strictly and then there would be no dispute. Since I am ill and I have expressed my thoughts even in this state of health therefore I would submit that unless the real defect is removed no useful purpose will be served by making this law for the editors of the newspapers. You should devote your attention to improving the platform.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) Your time is over.

MAULVI MOHAMMAD ABDULLA : All right, I conclude my speech.

MIAN AHMED YAR : Hon'ble President the proposition before the House to-day, was put up before this very

House sometimes back but at that time the Government did not think it necessary to present it before the House and they withdrew it; but to-day they are again moving it before this House. The Regulation passed in 1989 was enforced on account of the conditions existing at that time, and to-day again it is proposed to make this regulation more stiff. If any newspaper publishes any objectionable words against His Highness the Maharaja Bahadur or fans communal hatred which may prove detrimental to the peace of the country, then the Minister concerned can demand a security from that paper. But even in the presence of this Regulation another law is being enforced which has very wide scope.

It means that nobody can criticize the Government. and under the present circumstances it is quite inadvisable, The Government are fully aware of what happened here in connection with the Cow-protection agitation : and so is every body else. Even this could not excite communal feelings and the people behaved towards each other with mutual good will and toleration. The Mohammedans in Jammu kept peaceful and did not get excited by this agitation. This clearly shows that there is no communal tension here. His Highness the Maharaja Bahadur too, has on his return from Europe, spoken highly of this fact in the proclamation. There has been no quarrel here for playing music before the mosques, and no shots have been fired at the judges. Unfortunately these things were happening in the Province of Bengal when the Government enacted such a law there. But when such state of affairs does not exist here how can the Government be justified in enforcing such a law in this State. If objectionable articles appear in the papers, it is necessary to put a check on them. But the question is what should be the remedy for such cases. It is a matter of principle that the legitimate grievances of the people be brought to the notice of the Government in their true light, and if Government acts honestly these grievances can be redressed. It is not sufficient to say : "As we (Hon'ble Ministers) are not aware of the local conditions, we leave it for the people to decide it". If Government is not aware of the local conditions it should not choke the press. Besides if any publisher deals on an objectionable subject which goes against the Maharaja Bahadur or creates general discontent there is a remedy provided against him *i. e.* Section 108 of C. P. C. and Sections 124-A and 153-A of the I. P. C. are sufficient in such cases. If anybody spreads sedition against His High-

ness the Maharaja Bahadur or causes communal hatred, he can be prosecuted and after a regular trial he can be punished. But now such a law is going to be enacted which can be called Martial law. There exist no such conditions which may justify its enactment. It is just like Criminal Law Amendment Act.

Such a law can be enforced in emergent conditions but at present this law is opposed to all notions of humanity. Under this law cases can be decided without trial, without giving the right of defence and appeal and without being represented by a Vakil. This is quite an improper measure and there is absolutely no necessity of enforcing it here. Sir, if anybody wants to criticize the Government this law will choke his throat. The Government has already enacted law with regard to the newspapers and there is also the weapon of bringing papers on Black and White List which is meant to benefit papers which serve the purpose of the Government. The papers which are black-listed are not given advertisements even and this has given rise to a great hue and cry. What is the further necessity of enacting this law? Government should understand that the case is not that of a paper which is published in British India and is such as would cause agitation against British Government nor any such offender has been detected here who might take to the commission of any offence. There should be no encroachment on the legitimate rights of the press. When there already exist remedies to proceed against the offending publishers, what is the necessity of enacting this law? I understand that Government does not like that criticism may be levelled against it and this is why it is pressing for this measure. These things are being made possible because of the absence of a communally represented Government.

Sir, the Sections 124-A and 153 of I. P. C are not inadequate. The offenders can be punished under these sections. Besides there is section 108 of Cr. P. C. If any person or paper causes hatred against the Government or any community he can be made to furnish security under this section and in default he can be imprisoned for a period of one year. In the presence of this law there seems no necessity of enforcing such an arbitrary measure. The aim and object of this law is that in this age of advancement the voice of the people, in general, and of the backward community in particular, be suppressed. Its result will be harmful. The result of suppressing the voice of the people is always undesirable. History bears witness to the fact

that in those countries where the voice of the people is suppressed and their feelings are trampled secret associations come into being and secret conspiracies are hatched there. You will come to know through the study of History of Russia that when the voice of the people was suppressed and such like situation was created there, secret associations were established and as a result of their secret conspiracies Government was upset and it resorted to different means in order to suppress them. The members of the Association were transported to the snowy mountains of Siberia. They were subjected to severe punishment and were made victims of cruelty and repressions. But did it produce some good result? It would never produce any good result if you resort to such methods, which widens the gulf between the ruler and the ruled. By Government I mean administrative machinery of the country and not the constitutional head of the Government. I have made it clear so that there may be no misunderstanding. Despite there being a law in force in the country such societies do come into being. These were established in Turkey too. It is because of the suppression of the voice of the people that such a situation arises. Its consequences are always bad. If Government wants that such state of affairs should not prevail in the State in that case Government should act with sagacity. They should not suppress the voice of the aggrieved people. They should provide work for the unemployed. People cry that captalists have ruined them but on the other hand Government tries to suppress their voice. Any Government in the world which does not govern with administrative sagacity comes to an end. It is the duty of the Government to see that no unpleasentness prevails in the country. No such situation should arise as gave rise to dispute last year between the people of Poonch and Forest Department and as a result of it about eighteen or twenty thousand aggrieved persons left Poonch to bring their grievances to the notice of the Government. They were determined to migrate from Poonch.

Moulvi Mohammed Abdulla who is a veteran and an aged member of the House related the story of Moses and Faroh. But I am sorry to say that he hid not inform the House of its result. Faroh turned a deaf ear to the advice of Moses. Although Moses was brought up in the House of Faroh and grew up into Prophet still he raised a voice against the atrocities of Faroh. Faroh did not care for it but on the other hand tried to suppress it. The repression reached to such an extent that the Israelities were

assassinated. The women were disgraced and the children were either slaughtered or were spared to live as slaves. Faroh raised all the persons of his tribe to power. They were made fond of services and these servants intoxicated with power, as they were, did not like to hear the grievances of the aggrieved people. Bani Israiel was subjected to innumerable hardships and at last when they were very hardly pressed, Moses adopted the same method which behoves a leader of an oppressed nation and just like Poonch people he along with his aggrieved nation migrated from that place. And at last as a result of that oppression. Faroh was killed, his community was completely destroyed and Moses succeeded in his mission

The Governments of other countries try that there should arise no occasion of complaint from its subjects. During the Rampur agitation when the people grew sick and were ready to migrate, the Government had to yield to them, persuaded them and gave an assurance that their grievances would be removed. An opportunity should be afforded to the people to put forth their grievances so that some secret associations may not spring up and a necessity for suppressing anarchy and holding enquiry as had to be done in Bengal and in Alipore cases respectively may not arise The Government should not allow such things to come to being. It is the duty of the Government to infuse love among the people so that amicable relations could be established among the different parties. It is said that the reforms which were recommended and some of which were sanctioned by His Highness the Maharaja Bahadur were premature. On the other hand, as has been stated by Moulvi Mohammed Abdulla, these reforms were not premature but were overdue. Now a Law is going to be passed in order to suppress the voice and feelings of the country which have no other mode of expression except the Press. This fact cannot be denied and I boldy say that no such restriction in respect of press has been imposed in the N W. F. Provinces where the reforms have been introduced and where the people are less educated than our State and are far backward. No such Regulation has been enforced in the other provinces in British India but the Ministers of the State-Government, known as Ayyangar Government, the administration of which is in the hands of a sagacious administrator of Madras, are trying to restrict our freedom of speech. But now the times have changed and the Government should act wisely. The past tactics, unnecessary as they are, would not succeed now. In these times no

person should have an occasion to say that they have been deprived of their freedom.

Day before yesterday when we asked the Hon'ble Prime Minister why he was afraid of postponing the Regulation till the next day and he stated in reply that, not to speak of one night, even if it was postponed for six months, no trouble would arise, which means that the time is not so critical as might necessitate the passing and enforcing of this Regulation very soon. The most important things which need the immediate attention of the Government are being thrown into the background. The people say that a lot of money is being spent on highly paid administration and it should be stopped. They say that unemployment is causing great unrest in the country and attention should be given to this problem; they say that no money should be spent on unnecessary things but the Government do not budge even an inch. The people say that the rate of land revenue is very high and is unbearable for the zamindars and it should be decreased but all this proves to be a cry in the wilderness. The people say that the contractors do not employ the state labourers but they employ labourers from outside the State and there are many more complaints of the labourers against the contractors but no preventive steps are taken. The people say that contractors are granted contracts without inviting any tenders and in this way State subject contractors are deprived of their rights but no heed is paid to this. The people say that posts are filled up without being advertized in spite of the clear orders of His Highness that no post be filled up without being advertized. The Chief Secretary stated, even to-day, in reply to a question that there is no need of advertisement which means that it is not necessary to put His Highness' commands into practice. The people demand that in order to remove unemployment from the State the industries should be encouraged but this is not done. Mr. Kohli was discharging the duties of the Director upto this time but in his place a new Director from outside has been appointed. The people thought that he would do something useful but the things are as they were before, with only this difference that the former director was paid Rs. 800 per mensem while the new Director will get Rs. 1,500 per mensem. Similarly the services of an Electrical Engineer from outside have been obtained. We do not know what marvel he has done. Has he reduced the rate of electric rent from -/6/--a unit to -/1/- a unit or has he opened a new Power House? On the contrary there are in our State persons like

Mr. Ghulam Murtaza and Mr. Daulat Ram Sharma who can prove to be very efficient Electrical Engineers and can start new Power Houses. It is a pity that subjects of the State cannot be employed on Rs. 600 or Rs. 700 per mensem while persons from outside are paid Rs. 1,500 per mensem. Is it a fact that there are many such *Illaqas* in the State where even the necessaries of life cannot be available? There is Kandi *Illaqa* where the people are thirsting for water. They do not get anything to eat. Had the Government officers made reduction in their salaries with a view to removing the hardships of the people then we would have thought that the Government is really paying attention to improving the lot of the people.

After examining these circumstances I understand that there is no necessity of passing this Regulation. If the Newspapers criticize each other then the law is already there. The aggrieved persons can go to the law courts, or if the Government are attacked by the Press, they too have a remedy provided for them and can take legal action. It is not just to vest all the powers in one man. Such things can be decided by those who are acquainted with law. it is no use curbing the Press, because this can bring no reform in the Press. No reforms can be brought about by gagging the mouth of the enemy. If there can be any improvement in the tone of the Press, it can be only by resorting to a method adopted by Sir Sikander Hayat Khan with regard to the Punjab Press. Sir Sikandar called the journalists and warned them to improve the tone of the Press.

Improvement can be affected by adopting conciliatory attitude and not by inimical attitude. Such a peaceful attitude should be adopted that the people may not get excited and that there may be no unrest like that in Poonch or a situation like that of Bengal may not be created.

My submission before the Hon'ble Ministers is that they have been allowed an opportunity to live in this country for a further period of two years and they ought to have served the people of the country sincerely during these two years. They should act sagaciously so that nobody may have an occasion to say that they had adopted an inimical attitude towards the people. you should withdraw the Press Bill and not adopt a repressive policy but you should try to understand the difficulties of the people and remove them (cheers).

LALA HANS RAJ: Sir, I want to submit that the Regulation which has been placed before the House is like a remedy which instead of curing the disease would aggravate

it. It means that the Government do not want that their shortcomings should be brought to light and they do not want to change their attitude at all. I agree with my esteemed friend Moulvi Mohammed Abdullah when he says that the Government should like to know their shortcomings. A friend is he who like a mirror mentions the defects of his friend face to face and not like a comb which takes the hair of a woman behind and scatters them there. I am acquainted with the conditions of the people like a mirror. If you treat them more harshly their condition will go from bad to worse. The Government should treat them with kindness and courtesy and it is only then that their condition can be improved. In ancient times the kings, in order to know the state of the country, used to go out in disguise but this is not done in these days. I have requested all the officers and am requesting them even now that they should hold meetings in all the districts and know the conditions of the people and if these officers confirm that we are representing before you the true conditions of the people then you should not set aside our requests and should not act against our voice. If we are looked upon as public servants and if we hesitate to present before you the true conditions of the people then shame be upon us. I am acquainted with the conditions prevailing in the offices of all the high officers and Ministers down to the office of a Naib Tehsildar and on the basis of my experience I would submit that we do not find any opportunity to place before you the grievances of the people. Their applications are not attended to and even their telegrams are not considered. We have been crying hoarse since day before yesterday that no attention is paid to what we say. Even you should let us know what other means are at our disposal by which we can bring some matters to your notice. Our Maharaja has always wished that his subjects may be happy and prosperous but one cannot help shedding tears at the present condition of the subjects. Kashmir which was like a paradise has now become a hell.

VOICES:—It is quite true.

The visitors from outside who hear its reputation come to Kashmir are surprised to find that it is no beter than hell.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L Kichlu): You should sum up your speech and speak on the subject under discussion.

LALA HANS RAJ: I am always asked to sum up my speech. But I know no limits. I am neither a Government man nor am I connected with any party. I cannot be entrapped by anybody.

I want to request you to kindly listen to my speech carefully and give consideration to it. I would request the Hon'ble Prime Minister to reconsider this Bill There is no doubt that he is working impartially and the other Ministers too, may they live long: are working satisfactorily.

LALA SHIV NATH NANDA: You are flattering them.

LALA HANS RAJ (Contd) : You are avowedly a flatterer I am not such a man. What does Nanda Sahib know about the condition of the poor people who are in great distress and utter despair. You can easily realize their condition if they come before you. You want to choke the Press because it is the newspapers only which reveal the innermost condition of the people

My friend Mian Ahmed Yar has fully explained that under Section 108 of the Criminal Procedure Code, proceedings can be instituted against the publishers of the papers. I am perfectly acquainted with the law because under the same Section, I was myself once prosecuted in the Court of Law. The causes of my prosecution as alleged were that I wanted to popularize Khaddar, prevented the people from taking wine and picketted at the wine houses.

VOICES : Shame : Shame :

LALA SHIV NATH NANDA : Did you then ask for apology:

LALA HANS RAJ : It was a mere propaganda. I did not ask for apology But rather those who started prosecution against me, begged for apology. All that I wanted to say is that this fable that Lala Hans Raj tendered an apology, was broadcasted to throw dust in the eyes of the people and to hide the real facts from them. I will never bow down before any man for apology. If I were to ever do so, I will do it before God when I go before him. The Maharaja Bahadur is our protector. The Government is always justified and reasonable whatsoever the case may be. Therefore the method adopted was that the prosecution was filed against me in the name of His Highness the Maharaja Bahadur, because the Government knew that Lala Hans Raj will yield to none but His Highness. I am a well wisher of the people. The case was instituted against me because I longed that people should wear Khaddar and refrain from drinking wine. Once a contrator of wine took me all of a sudden in the way and knocked me down and began to beat me.

VOICES. Shame : Shame.

LALA HANS RAJ : Sir, I was submitting that we have been coming here in the Praja Sabha for the last so many

years and it has always been our desire that we may be of any use to the poor people any way. Maulvi Sahib has stated that our Press and Platform need improvement and there is regular tension going on amongst the people. I want to enquire as to how long our bickerings will go on. These petty skirmishes will automatically die out and the differences will eventually end in pleasant relations with each other.

In view of the above circumstances I beg to submit that there is absolutely no use of introducing this bill in the House. I shudder to remember the Criminal Law Amendment Regulation under which persons like Lala Mulk Raj Saraf Editor "The Ranbir" were externed. None enquired as to what his fault was and without any investigation he was externed. It is dangerous to put this law in force and it is very strange to invest the Police officers with the authority of taking action against the people under it. When these officers go with all pomp and show on tours in the villages, they harass the poor people by the exercise of their power and get provisions from them forcibly.

I wish that in this age of liberty and particularly during the premiership of Dewan Bahadur N. Gopalaswami Ayyangar, such laws which go to suppress the voice of the public should not at any rate be introduced in the House I hope that the Hon'ble Prime Minister will not strive to suppress the public voice but instead he will withdraw this bill.

PANDIT LOK NATH SHARMA : Sir in rising to support the bill I will place before you two aspects of.....

MR AMAR NATH KAK : In Urdu please so that all may understand.

PANDIT LOK NATH SHARMA : Sir, in rising to support the bill, I will place before you two aspects of the situation. Firstly what is the political history of our State during the last twelve or thirteen years. Secondly what has been the condition of the press in the State in the last twelve or thirteen years and whether there is in view of both the aspects any need of the Regulation. As regards the former aspect I will submit that first of all in 1925 or 1926 an article regarding the State Policy was published in a newspaper named "The Muslim Outlook" of Lahore and then another similar article defending the Ruler of Kashmir and the policy of the State was published in "The Amrit Bazar Patrika". It is not hidden from anybody that from 1931 to this day our communal history in the State is such

that none can feel proud of it and on account of these events which have occurred from 1931 upto this day we have had to hang our heads in shame several times. I do not want to repeat those events which took place in 1931 or 1932. Nor do I want to mention what occurred at Poonch and Khoratha. I want only to submit that so far as our political history from 1931 upto this day is concerned I dare say that since then the communal differences have reached their extremity. The House is aware of all these things. I need not repeat these events. It might be evident to you that both the foreign and the State Press had come in the fore front to deface the beautiful land and it has been responsible for it to a great extent. You have heard from an honourable friend of mine that not only the press had criticized the Government but the platform which represented the cause of the people can also be held responsible for these attacks. One man attacked the other and great efforts were put in to excite communal hatred. It shows as to how we have degraded our mentality. I submit, Sir, that before 1921 people did not know even the name of communalism. But unfortunately in that year communalism made its appearance in the Punjab and then it was imported into the State and had prevailed all over the country. You might know that during the last three or four years the leaders of the Hindus, Muslims and Christians have tried their level best to denounce communalism in unequivocal terms in British India. I would say that instead of going on communal lines, we should make progress on national lines. This is the aspect which compels us that as far as possible we should check such tendencies that give rise to communal differences. I think these are the circumstances under which the Government have had to introduce this bill.

As regards the latter aspect (*i. e.* history of the Press) I submit that if my memory does not fail me I recollect that first of all only one paper was published in Jammu. But afterwards in 1931 or 1932 when Glancy Commission Report was framed the open publication of several newspapers was started and the result was that as various plants spring up in the rainy season similarly the people who were out of employment or who had been discharged from services had moulded their trend of mind to start their own newspapers. This should not be taken as an attack on the Press. It is but a fact. I have seen that if one day an article is published in a newspaper against a certain officer

of the Court, the other day when the same paper receives notice from the very court, the publisher of the paper eulogise and highly praise the same officer in high sounding words. By reading the article it appears that the officer about whom it has been written had directly come down from heavens. Besides you will see certain newspapers which are the published on double sheet of paper. In order to entitle the papers to a place on the white list, the publishers give No. 36 on the first page and No. 37 on the second. Excluding two or three papers the rest of the Press is in infancy. I will say that it is really very improper to give a long rope to an infant and unless strict supervision and restriction are exercised on him, he will lose his habits and will not be mended. It is a fact that this will be unpleasant to the child but the parents know that only strictness is useful for him. Similarly if Government want to impose restrictions on the infant press of the State, it will prove useful for both the public as well as the country.

I beg to submit that in those provinces where there is a Congress Ministry, no proposal calculted to effect linency in the Criminal Law Amendment Act has been suggested.

MIAN AHMED YAR: Question.

PANDIT LOK NATH SHARMA: I accept the challange of my Hon'ble friends.

I want to enquire from them whether any Congress Ministry has ever proposed to repeal any of the Sections of the Criminal Law Amendment Act. In North Western Frontier Provinces where the Congress Ministry rules, only five papers have been brought on the white list and they are such papers as do not in any way spread communal hatred. But I would say that our Government have granted great facilities in case of the papers of the State. For instance a paper was placed in "C" class yesterday but to-day it has been put in A class. Besides there are papers which have not been given even the Registered L. Number but still they are placed on the white list. Just a few days ago, an appointment was made in the Secretariat. An article regarding the appointment was published in a paper. The article was based on sheer fabrication and it was written without facts. After giving several rebukes and other things which appeared in the paper the attention of the Hon'ble Ministers was invited to a complaint against a certain person and it was asked that the behaviour of such and such officer should be improved otherwise his irregularities will be brought to

the fore front. I want to know if it is not a threat. It is all because the publishers want that their papers may be placed on the white list and they may be given notices from certain departments for advertisement in their papers.

Sir, I want to place before you a few of the illustrations so that you may easily judge whether my statement is correct or not. It has been given in a newspaper that a great unrest and perturbation has spread in other newspapers and amongst the people that the Ayyangar Ministry is bent upon obliterating the name of Mohammedans from the face of existence. It is because the paper which has written this has not yet been brought on the white list. I enquire Sir, can any Government put up with such mean remarks.

My learned friend Mian Ahmed Yar has stated just now that when we have already got Section 124 A and 108 in the Regulation it is no use introducing the bill now. I submit that the Hon'ble Prime Minister does not like to send any editors to jail without any reason. If the Minister-in-charge Press requires any publisher of a newspaper to deposit the security or orders for its forfeiture then in these circumstances, the publishers have a remedy for it. He can fight his case in the High Court of Judicature. If he is being called to deposit his security, he has got the right to submit his appeal to the High Court and if all the three judges of the High Court give their judgment against the order of the Minister for Press, the order of forfeiture of security will be cancelled. I could not understand how he has called it to be a repressive law and stated that it is based on no reason.

It is so sad that an eminent vakil of his calibre should have made such a remark without seeing the Act. In this case appeal is possible. Pt. Amar Nath Kak, Mian Ahmad Yar and even I can appear as vakils for such a case

Pt. Jia Lal Kilam: My name has not been mentioned. I am much surprised.

Lala Shiv Nath Nanda: Lala Hans Raj's name has not been mentioned.

Pt. Lok Nath Sharma: Perhaps nobody would engage him as a lawyer (Laughter).

Lala Hans Raj: That seems to satisfy everybody (Laughter).

Pt. Lok Nath Sharma: Therefore it is not right to say without thinking that this is a repressive law. Perhaps

in section 20 or 21 it is clearly elucidated that;

I will read it out so that the matter may clearly be understood.

21. "*Applications to High Court to set aside order of forfeiture*:—The keeper of a printing press who has been ordered to deposit security under sub-section (3) of section 9 or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section 14 or any person having an interest in any property in respect of which an order of forfeiture has been made under section 10, section 12, section 15, section 17 or section 18 may, within two months from the date of such order apply to the High Court to set aside such order and the High Court shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representations of the nature described in section 10 sub-section (I).

(2) The keeper of a printing press in respect of which an order of forfeiture has been made under sub-section (2) of section 20 on the ground that it has been used in contraventions of sub-section (1) of that section may apply to the High court to set aside the order on the ground that the press was not so used.

22. *Hearing by Special Bench*:—Every such application shall be heard and determined by a Special Bench of the High Court composed of three Judges.

23 (*1*) If it appears to the Special Bench on an application under sub-section (1) of section 21 that the words, signs or visible representations contained in the newspaper. book or other document in respect of which the order in question was made were not of the nature described in section 10, sub-section (1), the Special Bench shall set aside the order.

(*3*) Where there is a difference of opiuion among the judge forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those judges".

PANDIT LOK NATH SHARMA: Look here word 'shall' has come and not "May".

Mr. M. A. BEG: Can "May" be used in this case? Good Cod.

PANDIT LOK NATH SHARMA: My learned friend has just now stated that the publisher cannot submit appeal but he can apply only. I want to know the difference between the two. He will have rather more facilities in making application which otherwise he cannot enjoy in regard

to the submission of an appeal.

Sir, I want to know why one should get unnerved by a rule which is framed. If the punishment for comm it-ting the offence of burglary is, instead of three years' imprisonment, extended to seven years, I should not feel afraid of it because I have got nothing to do with burglary. It is the thief who will be afraid of the law and will request that the period of three years' imprisonment may be reduced to two years. If publishers resolve not to spread communal hatred then there would arise no occa sion either for prescribing such restrictions or for-enhancing the punishment.

These is already an explanation given in the Press Regulation and besides this three more explanations have been added to the Regulations. But these explanations have not so far been referred to by any of the Hon'ble speekers in their speeches. There are some exceptions in cases of honest criticism and honest comments in these explanations and this act does not have any hold on the publishers who wish to express their honest criticism and honest comments. I will read out these explanations as under :—

N. B. (The Hon'ble member read out the following explanations in the house)

Explanation 2—Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempt-ing to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (*a*) of this sub-section.

Explanation 4—Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Highness the Maharaja Bahadur's subject shall not be deemed to be words of the nature described in clause (*g*) of this sub-section. Under Rules when honest criticism has already been protected, I doubt if the amendment in the Regulation will cause any alarm.

Mr. M. A Beg : His time is up sir

Pandit Lok Nath Sharma : I will conclude my speech after discussing the last point In order to maintain congenial atmosphere and to improve the lot of all com-munities, it is essential for the members of the Praja Sabha that they should vote in favour of the Press and Publication Amendment Bill which has been introduced by the Hon'ble

Prime Minister in the House.

If this bill is passed, it will greatiy help in maintaining peace and order in the State.

HON'BLE HAZUR MINISTER : The Hon'ble Prime Minister's opening speech introducing the Press and Publication Amendment Bill for consideration of the house cannot but have impressed all the honourable members on the necessity of this legislation. During the course of to day's sitting we have heard, with considerable interest, many members speaking on this subject. After all we have heard opposing the passing of this bill, I wish to impress the necessity for this legislation being brought on the Statute Book of the State. The Adverse impression of some of the members as to the purpose of this bill is not justified. There is no question whatsoever of the intention of gagging or of curtailing the legitimate liberty of the press, and ample and genuine proof has been given of the Government's earnest in this direction by the restraint that has been exercised all this time. The legislation is required only as a deterrent, merely as a means of applying the brake whenever any one gets on headlong speed with fear of a dengerous crash. Government would always wish to avoid recourse to using these powers except when forced to do so. The desire is to build up an honourable, healthy, clean press with a full sense of its responsibility and bearing the stamp of sincerity of purpose to the true interests of all sections of the population and to the State as a whole. As soon as any one forfeits all claims to such responsibility by deflecting their course towards irrational writings endangering the public peace, then only will the Government take notice.

We have to face facts unfortunate as it may be that while senseless strife between parties at present ranged against one another on communal lines continues to exist, careless, thoughtless and irresponsible statements may do cause serious situations. Government has to be armed with means to combat with such persons as make for causing trouble. It cannot be denied that there are some who make the upsetting of existing order their sole object and concern. It is really painful to find attempts being made in every direction to give a communal turn to every incident. When any press commits a serious breach of trust—a trust which we all must expect to be faithfully fulfilled—the Government will have no compunction in dealing with such offenders who have chosen of their own will to ask for trouble.

With these few words I ask the house to pass the bill.

KHAWAJA GHULAM MOHAMMED SADIQ : Sir, we have heard

with all calmness the speeches of that section of the house wherefrom many persons have spoken in favour of the bill. But the difficulty that still faces us is that upto this moment we are unable to understand the necessity which has compelled the Government to bring such a bill in the house. On the previous day the Hon'ble Prime Minister while presenting this bill stated, and it is also mentioned in the aims and objects of the bill, that since 1936 such a law has been brought on the Statute Book of India after being passed by the Central Assembly, therefore it is necessary that it should also be passed in the State or in other words this law should be thrust upon the State for no reason. First of all I wish to remove the misunderstanding created about the Central Assembly that the bill was not accepted by the Hon'ble members of that house but it was rejected by them and afterwards His Excellency the Viceroy of India brought it on the Statute Book by the exercise of his special powers. If the Hon'ble Prime Minister or other Hon'ble members of the house will advance one hundreth part of those arguments and reasons which were put forward while presenting this bill in that house then I can say with certainty that all the members of the house will side with the Government in getting it passed into a Law. But the reasons that have been put forward here are unsubstantial and none of them is adequate. The Government is proud of the fact that it commands majority in the house and by virtue of it, they can get it passed. While presenting it in the Central Assembly dozens of cases of terrorism and bomb throwing were cited *i. e.* many such cases were cited where violence was used. Every Hon'ble member of this house knows that no such thing exists in the State. It has also been stated from the side of the Government that as communal feelings prevail in the State hence the need of passing this law. If the Hon'ble members of the house consider this point seriously they will come to the conclusion that the communal feelings are disappearing from the State. The Government had mentioned about the communal feelings even at the time of the presenting the Criminal Law Amendment Act. But may I ask the Government whether there arose any occasion of using the Criminal Law Amendment Act? I submit that this law is being presented merely for the sake of suppressing the spirit of liberty. Is it called justice? Is it a sufficient reason that as certain newspapers are given to objectionable way of writing hence this law should be passed. While presenting the Criminal Law Amendment Bill in 1936 argument was put forth that some

time ago a certain Sadhu entered into the State and became a source of considerable nuisance to the Government. Had this law been in force at that time the Government would have been in a position to take action against him. To-day it is said that as certain newspapers have adopted objectionable way of writing things hence it is necessary to bring this law on the Statute Book. Government cannot do without it. With a sincere heart I will advice the Government that if it is so inefficient as not to be able to take action against an unarmed Sadhu or a few ill advised papers without bringing these laws on the Statute Book it should resign at once (cheers from the Conference Benches) and thus make room for the well wishers of the country and young sons of this land. This is an admitted fact and history bears witness to it that the spirit of liberty of any country or nation cannot be suppressed by repressive laws but on the other hand as a result of it such repressive measures movements get underground and any movement that works underground proves most dangerous. Therefore the Government should not pass such a law as may bring it a bad name. Few more members of my party will speak and shall prove by giving facts and citing cases that at present Government is already equipped with such laws as Press Regulation is or in other words Government has very wide powers. It can suppress the objectionable paper and confiscate the press. I do not understand what more the Government wants. By presenting such a law I will submit that Government has given proof of the fact that it does not want that the ideological vision of the people should widen and love of freedom of the people of this country should develop. Government wants what we should remain dumb driven cattle. I will submit, Sir, that gone are these days now. The love for freedom has captured the heart of the people. The waves of democracy are sweeping the whole world and revolution is the order of the day. There is no power which can put check on this growing love of freedom of the people We will live like human beings in this country and God willing that day is not far off when we will be living like respectable citizens. We cannot live under the yoke of slavery. This is our unflinching determination and no law or repression can alter it. Now Provincial autonomy is in full force in our neighbouring provinces of India. Congress which is fighting for liberty of India is governing its seven provinces and from those provinces such rubbish is going to be removed. Consequently section 124-A and 144 have been and other repressive

laws are being repealed in the Frontier Province. Does it mean that in this age of liberty all the rubbish that is being removed from the provinces of India is going to be imported in the State. An appeal has been made to the Hon'ble members of the house that they should vote in favour of this bill. There is no body who will vote for it. At least I can say on behalf of my party and myself that we, under any circumstances, cannot side with the Government so far as this bill is concerned. Under such circumstances I will appeal to the Government to withdraw this bill and at the same time request the other Hon'ble members of the house that leaving aside all the misunderstandings which are being created, they should consider it with a cool mind and unanimously vote against the bill.

SARDAR DHIAN SINGH : Mr. President, my friend Mr. Sadiq has stated that at present there is no need of enforcing this law. But, in the capacity of a public representative, I will submit that there does exist a need not only of this but even of a more stringent law (Cheers).

In British India, and in other countries where the newspapers are not the source of earning bread and where the morale of the Press is very high although some papers are run on non-communal lines in those places still Press Law is in force there even at the present day. At present Congress is governing India still Press Law is on the Statute Book. The trouble is that majority desires to devour up the minorities. The rights of the minorities are being sacrificed at the alter of communalism. Riots are created; minorities are frightened and threatend; hatred is caused between the ruler and the ruled. Many papers excitedisaffection towards the Maharaja Bahadur and all this is due to the fact that the tone of the press is debased. Therefore it is necessary that there should be a law analogous to that of the Punjab.

I will submit that the Hon'ble Prime Minister has shown leniency in drafting this Bill. There was need of enforcing a more strict measure. Their objection is that there is no need of such a Law but I submit that the newspapers overstep their proper limits. The officers are frightened and threatend in the discharge of their duties. The newspapers disgrace each other, and resort to blackmailing. Therefore there is no reason why this depraved mentality be not set right. The Hon'ble Prime Minister has presented a mild bill. There should have been a stringent law like the one enforced in the Punjab. I wish to draw the attention of the House towards one or two

facts. In Poonch, Haripura mosque was set on fire. I am sorry to say that the mosque was set on fire by the Muslims themselves but no newspaper published this fact and as a result of it a riot took place there and unpleasant atmosphere prevailed.

MIRZA MOHAMMED AFZAL BEG: But the court's finding is quite different with regard to the burning of the mosque.

SARDAR DHIAN SINGH: Similarly it was stated that the Holy Quran was insulted in the Poonch Jail. The matter was investigated Sheikh Mohammed Abdullah also made enquiry into this matter and submitted a written report to the Government stating therein that it is not Dr. Ram Singh but Muslim prisoners who insulted the Holy Quran. Despite this fact neither any newspaper expressed the truth nor any newspaper publisher contradicted it orally or in writing.

MIRZA MOHAMMED AFZAL BEG: For the information of the House I would like to make it clear that no such report was sent by Sheikh Mohammed Abdullah to the officers that Muslims insulted the Holy Quran. This is shameful.

SARDAR DHIAN SINGH: If it is so why no investigation was made afterwards?

MIRZA MOHAMMED AFZAL BEG: This you can ask from the court.

SARDAR DHIAN SINGH: Sheikh Mohammed Abdullah reported that Dr. Ram Singh was innocent and the mischief was created by the prisoners. I may describe a fresh happening of Khuiratta. The chastity of a woman was violated there. This gave rise to a dispute. Stones were thrown on one another. The officers visited the spot. The matter was hushed up and an agreement was arrived at between the parties. The next day, as it happened, Sheikh with his party reached Khuiratta. What happened afterwards? It was urged that unless Sikhs pay five hundred rupees to the Muslims and tender apology there can be no compromise. The illiterate people got enraged and were about to cause mischief but on the return of the Sheikh from that place the people acting with foresight and keeping in view their old amicable relations came to a mutual agreement. No money not even a single pie was paid nor any apology was tendered. Now the newspaper "Jamhur" has written in its yesterday's issue that Sikhs have paid fifty rupees to the Muslims and have tendered an apology. For Gods sake do tell me what truth is in it?

I beseech you in the name of Islam—in the name of that true Islam about which some venerable sage addressing to his own heart has uttered the following lines for the guidance of the mankind.

"Heart; you have not followed the dictates of anybody! You were never perturbed by your crimes and sins! You could become a *Jurisconsult* a theologian; a scholar and a mendicant. You could become all this but could not become a (true) Muslim"! Because this couplet is in Persian and as there are certain members sitting in the House who do not understand Persian, I translate it in Urdu (The Hon'ble member read the Urdu translation of the above couplet).

Instead of shifting the responsibility of advising the editors to the shoulders of the Government or to ask the Hon'ble Prime Minister to call the editors and shower love upon them and embrace them it would be in the fitness of things if you send for them and make them understand that to attack anybody unreasonably is against the tenets of Islam. It is opposed to all notions of humanity and is the habit of persons who are mean and are devoid of rational way of thinking. Therefore you should refrain from taking such steps.

I submit, Sir, that if Government had control over press and platform then an Hon'ble member of the House would never have dared the other day to utter the expression "shameful departure" against an Hon'ble Minister.

MIAN AHMED YAR: Sir, what do you know of parliamentary practice.

SARDAR DHIAN SINGH: It is said that there is no need of enacting such a law. If press people are good people they would never write objectionable articles. If they have a clear conscience they need not fear anything. Let this or a more strict law be enacted. Why do they fear anything If two persons agree to do a certain act who can pervent them if the minds of the parties are not perturbed what is there to be afraid of? Let there be fixed even a severer punishment but your conscience should be clear.

My friends have stated that there are certain sections in the I. P. C. to this effect and the Government can take action against the offending publishers under these sections. But who does not know that offences are being committed even in the presence of those sections.

There are three kinds of actions in the world. In Hindi there are called "Yathurath", "Bhayanak" and

"Rochak". Let "dreadful" laws be enacted. This law is meant for those persons who for the sake of earning their bread are in the habit of blackmailing Government officials or prevent them from the faithful discharge of their duties or seduce them or resort to other improper methods. This law is meant to produce a healthy effect on their morals.

Anyhow this law is not meant to arrest or prosecute the publishers recklessly. Justice will be done to everybody. There will be regular trials and they will have right of appeal.

KH. GHULAM MOHAMMED SADIQ: It seems that you have not studied the bill carefully. How can they prefer an appeal? They are only entitled to an application.

SARDAR DHIAN SINGH: Appeal or application it is one and the same thing. Appeal can be preferred only on Technical points. You are a lawyer and you can well understand it You should know that application is wider in scope than an appeal whereby one can raise any kind of hue and cry. With these words I support the Press Bill and feel thankful to the Hon'ble Prime Minister for showing leniency in drafting this Bill and thus giving proof of his kind-heartedness.

LALA SHIV NATH NANDA: Sir,.....

MIRZA MOHAMMED AFZAL BEG: Shame. What is this? The Chief Secretary and Mr. Ashai are compelling the members to speak or not to speak. Just now when Mr. Nauda rose to speak they persuaded him to sit down.

SHIEKH MOHAMMED AMIN: Every time such things are being repeated. Is it proper?

KH. GHULAM MOHAMMED SADIQ: It is the chair alone who can ask a member to sit or make a speech. The official block has got no power whatsoever to do so.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER: I take it, Sir, that the debate has ended. I now rise to reply to the observations which have been made during the debate.

MIRZA MOHAMMED AFZAL BEG: Sir, I want to speak.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): You did not avail of the opportunity.

MIRZA MOHAMMED AFZAL BEG: I was about to speak but Mr. Nanda stood up and I thought that he would speak first.

KH. GHULAM AHMED ASHAI: Your two members have spoken..... ...

MIRZA MOHAMMED AFZAL BEG: (Addressing Mr. Ashai)

You stand up when you want to say anything. That is the parliamentary practice You cannot speak unless you stand up. Do not you see even the Hon'ble Prime Minister stands up when he has to say any thing. At least you must have regard for the Chair. (Addressing the Chair) : Sir, the idea was that Mr. Nanda and myself stood up simultaneously. As Mr Nanda caught your eye first so I thought he would speak first.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : At any rate you did not rise, now there is no occasion for you to speak. You had said that some of the members of your party will speak.

MIRZA MOHAMMED AFZAL BEG : What is the rule under which I am debarred from speaking.

PANDIT JAI LAL KILAM : There is no rule it depends upon the discretion of the Hon'ble President.

MR. PRESIDET (The Hon'ble Mr. Justice K. L. Kichlu) : Now the Hon'ble Prime Minister has to give reply.

MIRZA MOHAMMED AFZAL BEG : I had to speak, Sir.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): No, now there is no opportunity.

MIRZA MOHAMMED AFZAL BEG : What have I done, Sir that I am not allowed to speak. It is not clear why I am deprived of it (Laughter).

MR. PRESIDENT (The Hon'ble Mr. Justice K. L Kichlu): You had several opportunities to do so. but you did not rise. I waited for full three or four minutes, but you didnot care to move nor gave any indication that you wanted to do so. (Addressing the Hon'ble Prime Minister) : Yes please.

THE HON'BLE DEWAN BAHADUR N GOPALASAWAMI AYYANGAR : Sir, ...

MIRZA MOHAMMED AFZAL BEG : I am deprived of my right of speech so we will go out.

MIAN AHMED YAR : This we are doing in protest against the attitude of the chair which has been shown towards us.

MIRZA MOHAMMED AFZAL BEG : Government had other ample chances to impose its will.

NOTE : The Muslim Conference party staged a walk-out.

HON'BLE PRIME MINISTER : (The Hon'ble Dewan Bahadur N. Gopalaswami Ayyangar)

Sir, it is a matter of great regret to me that the walk out which the Muslim Conference Party have just carried out, prevents me from replying to such observations as have fallen from the lips of their speakers during the debate that has taken place to day. I would not, therefore, take more

of the time of this House than is necessary to mention only one or two things. The youngest member of the Muslim Conference Party, who is always an interesting person in the conduct of the debates in this House, has appealed to me to take back this bill. A reply was made to such observations as he made by my Hon'ble friend Mr. Dhian Singh Inspite of that appeal, I am afraid, I am unable to accede to the request that he made. The debate has confirmed me in the impression that this Bill is absolutely necessary. I wish only to make it prefectly clear that the object of this Bill is not to put auy fetters on the press in the State : it is not to initiate any policy of repression ; as I said in my introductory speech, this Bill is meant simply to pull up the tone of the press, to build up, as the Hon'ble Member on my right has said, a clean and healthy press in the State. I believe, as head of this Government, that it will not be for the betterment of the administration if we stifle legitimate, independent and even strong criticism ; such criticism, I sincerely believe, is the only means by which Members of the Government can understand the grievances and the troubles which afflict the people. If the Government is worth its name it ought to take note of such criticisms and try to remove the abuses which are brought to its notice and remedy such grievances as are put before it and to better the lot of all in the State. Believing myself sincerely that the function of a Government is to invite, and not merely to suffer, much less to stifle independent and strong criticism, I shall be the last person to be responsible for any measure which tries to prevent the press exercising this function most independeutly and in the strongest possible manner ; but at the same time, criticism, while it may be strong should not be abusive ; while it may be independent, it should not be defamatory ; while it should try to improve the state of the administration it must do nothing which tends to subvert peace and order. While each community may press its own particular grievances and wrongs, the press which represents that community, should do nothing which would embitter the feelings of the other communities in the State and it is for the purpose of preventing the press from degenerating into attitudes of that kind that this bill has been brought before this house. In the end, I hope the Members of this House will give to my colleagues and myself the credit of sincerity of purpose in our endeavour to improve the tone of the press ; not to kill the press, but to make it strong, independent and really helpful to the administration. I hope the House will carry this motion.

I move, Sir, that the Bill be passed into Law.

MR. PRESIDENT (The Hon'ble Mr Justice K. L. Kichlu) Now the question is that the Press and Publication Regulation Amendment Bill No. I of 1989 be taken into consideration. Those members who are in favour of the motion may kindly raise their hands.

(Hands were raised).

Now those who are against may raise their hands

(Hands were raised)

NOTE : Only Lala Hans Raj raised his hand.

The motion has been passed by Majority of votes.

Now Amendments will be taken up. The amendment of Mian Ahmed Yar, Kh. Ali Mohammed, Kh. Ghulam-Hussain, Malik, Subedar Khan Mohammed Khan and Khawja Akbar Dar.....

LALA SHIV NATH NANDA : Sir, they are not present.

SHEIKH ABDUL HAMID : Mr. President, before taking votes bell should have been rung so that the members who are outside or absent from the hall might have been called for voting.

LALA SHIV NATH NANDA : That method is adopted when division is called for.

MR. PRESIDENT (The Hon'ble Mr Justice K. L. KICHLU (addressing Sheikh Abdul Hamid) : This method is not adopted here nor there is any rule with regard to it.

SHEIKH ABDUL HAMID : This method is not only employed in case of division but it it for all sorts of voting.

MR PRESIDENT (The Hon'ble Mr. Justice K. L Kichlu) : Because nobody among those persons who have given notice of amendment is present in the Hall therefore next motion will be taken up.

PANDIT JIA LAL KILAM : Sir, call out their names.

MR PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : I have already called out the names. Now Hon'ble Prime Minister will move that the bill be passed.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: I move, Sir, that the Bill be passed into law.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Now the question is that the Press and Publication Regulation Amendment Bill No. I of 1989 be passed into law. Those who are in favour may please raise their hands.

NOTE.—Hands were raised.

Those who are against may please raise their hands.

NOTE :—Hands were raised.

NOTE :—The Bill was passed by majority of votes.

Now there is no work left for to-day therefore the House is adjourned till day after to-morrow *i. e.* 21st March 1938.

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THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)

VOLUME VIII

4TH DAY

(21st March 1938)

NON-OFFICIAL RESOLUTIONS

EIGHTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



JAMMU ,

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1938.

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Jammu and Kashmir Praja Sabha

President :

THE HON'BLE MR. JUSTICE K. L. KICHLU,
RAI BAHADUR.

Secretary:

PANDIT HIRANAND RAINA, B. SC., LL. B.

Assistant Secretary:

MR. MOHD. NASIR-UD-DIN KHAN, B. A., LL. B.

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JAMMU AND KASHMIR PRAJA SABHA,

MARCH-APRIL JAMMU SESSION 1938.

Monday the *21st March 1938*
8th Chit 1994.

The Praja Sabha met in the Praja Sabha Chambers at Ajaibghar Jammu at eleven of the clock.

Mr. President (The Hon'ble Mr. Justice K. L. Kichlu) in the chair.

QUESTIONS AND ANSWERS.

190. WAZIR MOHAMMED KHAN : In reply to my question during the last Session of the Praja Sabha regarding the grant of scholarships to the students studing in high schools it was stated by the late Hon'ble Home Minister that nine scholarships were granted for high schools, two of which were given to the boys belonging to Tehsil Astore and Bunji. Of these two students one is studying in College while the other is studing in tenth class. But no scholarship is given to the other boys who are studying in high classes; although I represented for this personally to the Hon'ble Home Minister and the Director of Education. Will the number of scholarships be increased for these students of Astore and Bunji considering the fact that the people of this place are poverty-stricken?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister) : There are five scholarships of Rs. 12 each tenable in High schools and 4 of Rs. 18 each tenable in Colleges. These are awarded to frontier students. The number of scholarships is adequate. One frontier scholarship in High classes during the year was awarded to a boy from Gurikot (Bunji Tehsil).

191. MIRZA MOHAMMED AFZAL BEG : Is it a fact that in Gautumnag (Anantnag) the old way has been prohibited for traffic for the last eight years and new pathway has been made through the village which is a source of great inconvenience to the people ? If the reply is in the affirmative, will then Government permit the old way to be used for traffic ?

K. B. RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister) : *1st part*.—Yes.

2nd part —No, because the closure of the old path was the result of a compromise arrived at by the villagers of Pehra and Managa Askhapan Gautumnag who had a dispute over this ptah.

MIRZA MOHAMMED AFZAL BEG : Sir I have got no copy of the replies. These may please be supplied to me.

NOTE :—The replies were supplied to him.

192. MIRZA MOHAMMED AFZAL BEG : What is the average annual expenditure on the pays of the staff in the State hospitals in Anantnag Tehsil; and what has been the average annual number of patients for the last two years ? What annual amount has been sanctioned for the average cost on medicines, excluding the surgical instruments, during the last two years ? Is this sum quite sufficient.

PANDIT RAM NATH SHARMA : The information required is given below :—

Pay of the Staff. 1993-94.

Anantnag Dispensary	...	...	Rs.	5,478	0 0
Doru ,,	...	...	,,	1,833	0 0

Average number of patients per year during the last two years :—

Anantnag Dispensary	..	...	No. 44610
Doru ,,	...	...	,, 15122

Average cost per year on medicines excluding surgical instruments :—

Anantnag Dispensary	...	...	Rs.	1017	8 0
Doru ,,	...	...	,,	367	8 0

The grants for mofassil dispensaries fluctuate within the financial limitations of the general grant. Any dispensary running short of its stock draws upon the provincial stores to the extent further supply is available in the latter.

193. MIRZA MOHAMMED AFZAL BEG : What steps have the Government taken to encourage the cottage industries during the last three years ?

R. B. PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister) : Government have passed the State Aid to Industries Regulation and are prepared to extend help under Section 3 of the Regulation, in all *bona-fide* cases, where help is needed for the development of such Industries.

194. MIRZA MOHAMMED AFZAL BEG : Is it a fact that in the present Normal School of Udhampur the housing arrangement for the pupils and the teachers is very unsatisfactory ? Is it a fact

that many rooms in this residential house are narrow, dark and even without ventilators ? Is it also true that the land being barren the pupils and the teachers cannot acquire agricultural knowledge ? Is the scheme of transferring the above mentioned school to Pampur (Kashmir) under consideration of the Hon'ble Home Minister ? If the reply is in the affirmative, will then transfer of the school be taken before Baisakh 1995 ?

PANDIT RAM NATH SHARMA : An inquiry has been made regarding the defects in the building of Normal School Udhampur, and if there are any, they will be removed. The question of transferring the school to Pampore is no longer under consideration. The school is working satisfactorily at Udhampur.

MIRZA MOHAMMED AFZAL BEG : When will the inquriy terminate ?

PANDIT RAM NATH SHARMA : Very shortly.

MIRZA MOHAMMED AFZAL BEG : Was this question under consideration ? If so, what is decided ?

PANDIT RAM NATH SHARMA : Which question ?

MIRZA MOHAMMED AFZAL BEG : The question regarding the transfer of the school from Udhampur to Pampore.

PANDIT RAM NATH SHARMA : It was decided that the school will remain at Udhampur.

SARDAR KANAYA SINGH : For what the inquiry was being made ?

PANDIT RAM NATH SHARMA : Regarding the building of the school.

195. MIRZA MOHAMMED AFZAL BEG : Are Government aware that fruits, agricultural produce and raw hides of Kashmir are suffering a set back in trade on account of export duty ?

Is the question of remission of duty on these articles before the Council ? Are Government prepared to remit this duty very soon ?

PANDIT RAM NATH SHARMA : The Government have no such information. The Government do not believe that the set-back mentioned by the Praja Sabha Sad if it really exists is due to export duty. Nevertheless the rate of road toll has been substantially cut down recently and the question of reduction in export duty on these articles is being considered.

196. MIRZA MOHAMMED AFZAL BEG : Is Hon'ble the Revenue Minister aware of the fact that the price of medicine used for sprinkling over unhealthy trees in Kashmir is realized from the poor agriculturists ? In view of the poverty of zamindars will the poor and petty zamindars at least be supplied medicine for their trees free of cost.

K. B. RAJA MOHAMMED AFZAL KHAN : It is in the interests of zamindars that spraying is done, otherwise they will lose the

additional income they realise from sale of fruits. It is, therefore, necessary that they should bear the legitimate charge themselves. The spraying charges do not work out at more than two annas per tree. The Government already supplies free spraying machinery skilled labour and technical advice and spends a sum of over Rs. 9,000 in a year over this which works at about more than one-third of the amount spent by the zamindars. It will be practically impossible to make out a distinction between the rich and the poor.

197. PANDIT AMAR NATH KAK: Will Hon'ble the Law Minister be pleased to state: (*a*) Whether the seniority of the clerical establishment of High Court of Judicature and the District Judges of Srinagar and Jammu is combined or separate?

(*b*) If the seniority of the office of the High Court is separate whether the seniority of the clerical establishment of the offices of the District Judges at Srinagar and Jammu is combined or separate?

(*c*) If it is separate what the reasons were of appointing clerks belonging to the office of the High Court of Judicature as Head clerks in the offices of the District Judges irrespective of seniority, of clerks of the offices of District Judges?

(*d*) If the seniority is combined what are the reasons of not taking the senior clerks from District Judges' offices in the office of the High Court of Judicature whenever vacancies in higher grades occur in the latter office?

(*e*) Whether it is a fact that the Head clerks of the offices of the District Judges who were recruited from the office of the High Court were drawing lower pays than some of the clerks working in the District Judges' offices and they were superseded by the clerks recruited from the High Court?

(*f*) Whether the Hon'ble Chief Justice would be pleased to combine the seniority of the clerical establishment of the three offices, so that the clerks working in the District Judges' Courts my be redressed who feel aggrieved by supersessions made by the clerks working in the office of the High Court of Judicature.

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Law Minister): (*a*) It is separate.

(*b*) It is separate.

(*c*) Only one clerk belonging to the High Court establishment was appointed Head Clerk on communal grounds.

(*d*) In view of the reply to (*a*) and (*b*), it does not arise.

(*e*) In view of reply to (*c*), (*e*) does not arise.

(*f*) The matter is already under consideration.

198. PANDIT AMAR NATH KAK: Will the Hon'ble Minister-in-Charge of the Education Department be pleased to state; (*a*) Whether in most of the Middle and High Schools separate

provision of teachers has been made for teaching Persian, Arabic and Urdu?

(*b*) If so, will the Government take early steps for making separate provision for teaching Hindi and Sanskrit in all the Middle and High Schools as has been done in case of similar subjects such as Arabic, Persian and Urdu?

PANDIT RAM NATH SHARMA: (*a*) Yes.

(*b*) Arrangements have also been made for teaching Hindi and Sanskrit in Schools where it was necessary.

SARDAR KANAYA SINGH: Will the arrangement be made for teaching Gurmukhi in Schools where there is a good number of Sikh students, just as is being done for teaching Hindi, Urdu and Arabic?

PANDIT RAM NATH SHARMA: This is a new question.

SARDAR DHIAN SINGH: Sir, this is not a new question. The question is this (read out the question)

PANDIT RAM NATH SHARMA: Wherever it is necessary, the arrangement is being made.

199. PANDIT AMAR NATH KAK: Will Hon'ble the Minister-in-Charge of Education Department be pleased to enquire and state:—

(*a*) Whether arrangements have been made in Primary Schools for teaching "Diniyat" to Muslim boys and girls?

(*b*) Whether any arrangements have been made for imparting religious education to Hindu boys and girls in Primary Schools?

(*c*) If arrangements have been made for teaching of "Diniyat" in case of Muslim boys and girls, will the Government make arrangements for teaching religious texts in case of Hindu boys and girls also?

PANDIT RAM NATH SHARMA: (*a*) Yes in some schools where Urdu teachers are provided.

(*b*) Yes. Hindi teachers are quite at liberty to impart such instructions in the schools where they have been appointed.

(*c*) The question will be placed before the Text Book Committee.

PANDIT AMAR NATH KAK: I have asked two questions, one question is whether any books have been prescribed for Muslim boys and girls?

PANDIT RAM NATH SHARMA: Yes.

PANDIT AMAR NATH KAK: My other question is whether any arrangement has been made for teaching to Hindu boys and girls their religious text books?

PANDIT RAM NATH SHARMA: This question will be placed before the Text Book Committee.

PANDIT AMAR NATH KAK: When?

PANDIT RAM NATH SHARMA: Shortly.

PANDIT AMAR NATH KAK: The Text Book Committee has met for this year, but the matter was not placed before them. Now it is not meeting for this year.

PANDIT RAM NATH SHARMA: This question requires notice of sufficient period.

PANDIT AMAR NATH KAK: I gave notice of 40 clear days.

PANDIT RAM NATH SHARMA: But it was received only one week before, in our office.

PANDIT AMAR NATH KAK: My request to the Hon'ble Home Minister is whether the matter be put before the Text Book Committee soon, so that they may consider it for School curriculum to be prescribed for the next year?

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN KT. (Home Minister): When will the Committee meet, Sir?

PANDIT AMAR NATH KAK: I don't know, you might be knowing that.

SUBEDAR KHAN MOHAMMED KHAN: Just as the arrangement for teaching theology in Jammu and Kashmir schools has been made, will the similar arrangements be made in Poonch schools?

WAZIR FEROZ CHAND (Wazir Poonch): We will consider it.

200. PANDIT AMAR NATH KAK: Will Hon'ble the Minister-in-Charge of Education Department be pleased to state :—

(*a*) Whether the depressed class scholarships are provided for Harijan boys exclusively and separate provision has been made for Muslims?

(*b*) Whether out of the grant of the Depressed class scholarships any scholarships have been given during the last three years or are being given to Muslims and Christians who previous to their conversion to Islam and Christianity belonged to Harijan Community?

(*c*) If so, what is the number of such students and what are their names and what is the amount of scholarships given to them?

(*d*) Will the Government stop such practice and order the educational authorities to appropriate the provision made for Harijans in granting scholarships to Harijan only?

PANDIT RAM NATH SHARMA: (*a*) Depressed class scholarships are awarded to the boys of Depressed classes. Separate provision for Muslim scholarships exists.

(*b*) No.

(*c*) Does not arise.

(*d*) Does not arise.

PANDIT AMAR NATH KAK: May I place this reply which has been given to me before you. The reply is quite different from that which has been read out The complaint generally exists that written replies are different from these that are read out.

Last year also this was my complaint and you promised to give me a copy.

PANDIT RAM NATH SHARMA : The reply read out is correct. This has just been received by us.

PANDIT AMAR NATH KAK : The amended reply should have been given to me.

PANDIT RAM NATH SHARMA : This information has been received just now.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : You should have sent it to the office.

201. PANDIT AMAR NATH KAK : Will Hon'ble the Minister-in-Charge of Education Department be pleased to state :—

(*a*) What the number of students in the Kashmir Province during the last three years was who were granted Karan Singh and Orphan scholarships in different schools and what the number of Muslims and non-Muslims was in the grantees of these scholarships ?

(*b*) What the proportion of Hindu and Muslim and Non-Muslim students in the total strength of different schools was where such scholarships were given during the same period ?

(*c*) If the proportion of the grantees of these scholarships is incompatible with proportion in the total strength, will the Government take steps to secure an equitable distribution of these scholarships among the various communities ?

PANDIT RAM NATH SHARMA : (*a*) :—

Years.	Muslim.	Hindu.	Sikhs.	Total.
ORPHANAGE.				
1992, 1993 and 1994 ...	156	88	5	249
KARANSINGHJI SCHOLARSHIPS.				
1992, 1993 and 1994 ...	142	23	4	173

Bodhs—4

(*b*) The distribution of Shri Karansinghji scholarships is made on the basis of population. Orphanage scholarships are awarded to poor and deserving boys irrespective of population basis.

(*c*) The distribution is fair.

SUBEDAR KHAN MOHAMMED KHAN : While scholarships are being given to the orphans in Jammu and Kashmir, will the orphans of Poonch be borne in mind ?

PANDIT RAM NATH SHARMA : There is no orphan in Poonch (Laughter).

There is no information regarding Poonch, in this respect. This is only about Jammu and Kashmir. If there are such scholarships they must have been shown in the Poonch budget.

SUBEDAR KHAN MOHAHMED KHAN : Will such scholarships be given in Poonch just as they are being given in Jammu and Kashmir ?

WAZIR FEROZ CHAND : The scholarships are being given there.

202. PANDIT AMAR NATH KAK : Will Hon'ble the Minister-in-Charge of Education Department be pleased to enquire and state : (*a*) Whether in case of Muffasil Girls and Boys Schools the teachers and teachresses get their pays after long delay and in case of some the payment is delayed by several months ?

PANDIT RAM NATH SHARMA : In a few schools in Jammu Province where postal arrangements are not quick payment is delayed but not by months.

203. MAJOR MIRZA ATTA MOHAMMED KHAN : (*a*) Will Hon'ble the Revenue Minister please state whether the information is available regarding question No. 76 Q D. No. 51 asked in a meeting of the Praja Sabha on 12th Assuj 1994, and if so, whether it will be placed before this House ?

(*b*) If the answer to (*a*) be in the negative will a report be called for from the Forests Department Mirpur Division ?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) and (*b*) No account is kept by way of Tahsils in the Forests Department. The account is kept by way of Forest Ranges. Therefore only total figures for the whole of Mirpur Forest Division may be given. The income from sale of unmarked trees for three years prior to the introduction of the system of marking trees beforehand was Rs. 4,419-0-0 and for 3 years after the introduction of the system was Rs. 4,172-0-0.

(*c*) The deficit in the income is negligible. The present system is adopted with a view to preservation of forest and even if there be a slight loss of revenue it is immaterial in view of the ultimate gain. The Government are not prepared to change the present practice.

MAJOR MIRZA ATTA MOHAMMAD KHAN: If Government has no regard for their own deficit, do they bear in mind the trouble of the people?

K. B. RAJA MOHAMMED AFZAL KHAN: Yes, they do.

MAJOR MIRZA ATTA MOHAMMED KHAN : If they do, then will the zamindars get the wood from "Chack" according to their own choice?

K. B. RAJA MOHAMMED AFZAL KHAN : This is the duty of

the forest officers. If they think it proper they (the zamindars) will get it.

MAJOR MIRZA ATTA MOHAMMED KHAN: Who is the Minister in charge of forests? I am asking the reply to this question from him.

K. B. RAJA MOHAMMED AFZAL KHAN: I am giving reply on his behalf. The difficulties of the people are considered. But the wood cannot be given according to their choice.

MAJOR MIRZA ATTA MOHAMMED KHAN: What is the reason?

K. B. RAJA MOHAMMED KHAN: The reason is that if by giving such a kind of tree to a zamindar which he wants, there is loss to the forest then the forest officers will not permit. But if they think that there will be no loss, in that case they do permit.

MAJOR MIRZA ATTA MOHAMMED KHAN: But how the difficulty of the people is considered? We submit the grievances of the people. The reply that has been given already is not correct.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): The reply has been given. They cannot get according to their choice.

MAJOR MIRZA ATTA MOHAMMED KHAN: This means that there is no regard for the people.

K. B. RAJA MOHAMMED AFZAL KHAN: The Forest Inquiry Committee is making inquiry in the *Illaqa*. You can place this question before them.

MAJOR MIRZA ATTA MOHAMMED KHAN: A satisfactory reply should have been given. It is said that the difficulty of the zamindars is considered, but on the other hand it is replied that the trees cannot be given according to their choice.

K. B. RAJA MOHAMMED AFZAL KHAN: A satisfactory reply has been given to you.

MIAN AHMED YAR: When there is a rule that the trees can be given according to the choice of zamindars what is the reason for ignoring this rule.

K. B RAJA MOHAMMED AFZAL KHAN: At the time of cutting trees the forest officers have to keep in view the forest plantation and silviculture operation so that there will be no loss to the forest.

Kh. GHULAM MOHAMMED SADIQ: Mr. President, some gentleman is invading the floor of the House.

LALA SHIV NATH NANDA: Is such concession granted to non-agriculturists also?

K. B. RAJA MOHAMMED AFZAL KHAN: What have you to do with trees?

LALA SHIV NATH NANDA: They are required for buildings.

K. B. RAJA MOHAMMED AFZAL KHAN: You can purchase

from the market. This concession is only for zamindars.

MAJOR MIRZA ATTA MOHAMMED KHAN: Is Hon'ble the Revenue Minister aware of the fact that the people complain of this difficulty.

K. B. RAJA MOHAMMED AFZAL KHAN: There is no information.

MAJOR MIRZA ATTA MOHAMMED KHAN: Government shouldr have known it.

MIAN AHMED YAR: Will Government issue instructions fo giving trees at a place adjacent to villages.

K. B. RAJA MOHAMMED AFZAL KHAN: This all is under the consideration of the Forest Inquiry Committee.

204. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) Will Hon'ble the Revenue Minister please state if it is a fact that from the beginning the rates of kahcharai fee in the Tehsils of Jammu Province was -/8/- per buffallo and Rs. 1-4-0 per buffallo on Dhoks and Panjal?

(*b*) Is it a fact that barren she buffaloes and buffaloes less than three years old were exempted from levy of Kahcharai?

(*c*) Do Hon'ble the Revenue Minister know that these animals were so exempted for the reason that these were not a source of profit to the owner? Was an enquiry made through the Tehsildar? Will the results be communicated to the House?

(*e*) Will Hon'ble the Minister please state at what rate per buffalo the Kahchari fee was realized in the said places prior to this?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) Yes, but the buffaloes which migrated to superior Dhars for grazing were charged at Rs. 1-8-0 per head and those which migrated to inferior Dhars were charged at Rs. 1-4-0 per head.

(*b*) No discrimination has ever been made between barren and milch she-buffaloes. Only buffaloes-calves one year old or less have been exempted from payment of Kahcharai tax.

(*c*) In face of (*b*) above this does not arise.

(*d*) During the last Settlement a certain amount on account of grazing fee demand was fixed for every village in a Tehsil after enumeration of livestock in possession of the zamindars taking into consideration the standard rates prevalent at that time. During subsequent years the internal *bachh* of nearly all the villages having been revised to remove inequalities in the incidence of the Kahcharai fee due to increase or decrease of livestock in such villages the rates charged have varied from time to time.

MAJOR MIRZA ATTA MOHAMMED KHAN: Will Government issue orders for making this inquiry?

K. B. RAJA MOHAMMED AFZAL KHAN: There is no necessity for issuing orders.

205. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) Will Hon'ble the Revenue Minister with reference to question S. No. 631 Q. D. No. 72 asked in a meeting of the Praja Sabha on 12th Assuj 1994, please state whether in reply to a supplementary question arising out of question Q. D. No. 72 it was admitted that in *Illaqa* Poonch the Muslim Rajputs are in majority just as in the Districts of Mirpur, Riasi and Muzaffarabad?

(*b*) If the answer to (*a*) be in the affirmative was any note made of this supplementary question?

(*c*) Will it be stated whether the reply of question Q. D. No. 72 was forwarded to the subordinate officers for necessary action?

(*d*) If the answes to (*d*) be in the negative, will a copy of the reply to question Q. D. No. 72 be forwarded to subordinate officers.

K. B. RAJA MOHAMMED AFZAL KHAN: (a) The present Revenue Minister is not aware.

(*b*) Does not arise.

(*c*) The supplementary question to which a reply was promised was whether the Muslim Rajputs like Hindu Rajputs could be declared as agriculturists If the Praja Sabha Sad wants a reply to this question, the answer is that the matter is under consideration.

MAJOR MIRZA ATTA MOHAMMED KHAN: When Government have admitted in their previous reply that no distinction is being made between a Hindu and Muslim, will not Muslim Rajputs be irritated with this reply?

K. B. RAJA MOHAMMED AFZAL KHAN: It is under consideral tion. This is the question of unrest. How can unrest be kept under consideration.

K. B. RAJA MOHAMMED AFZAL KHAN: We are not aware of unrest. The case is under consideration.

206. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) Will Government please state if it is a fact that the law relating to Co-operative Societies prescribes a period of ten years within which the accounts of societies should be finally settled?

(*b*) Is it a fact that it is ten years since a society was set up in Tehsil Rajouri?

(*c*) If the answer to (*a*) and (*b*) be in the affirmative, will it be stated why the accounts of the societies which have completed ten years have not been settled?

(*d*) Do Government know that the societies are suffering loss owing to their accounts not having been settled?

(*e*) Will Government please issue instructions to the Co-operative Department for settlement of accounts? If not, why not?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) No.

(*b*) Some societies may have completed the age of 10 years.

(*c*) Accounts of those societies which have completed 10 years, could not be settled unless the profits due from members are duly recovered as without such recovery no distribution of profits in the form of Reserve Fund, Dividend etc. is possible.

(*d*) The Revenue Minister has at present no information on the point. He will make inquiries.

(*e*) Yes, if it be necessary after the inquiry mentioned in reply to part (*d*) of the question

MAJOR MIRZA ATTA MOHAMMED KHAN : Have the orders been issued for settling of accounts ?

K B. RAJA MOHAMMED AFZAL KHAN : Yes.

207. MAJOR ATTA MOHAMMED KHAN : (*a*) Will the Hon'ble Prime Minister state if it is a fact that those persons in Tehsil Rajouri who changed their religion before or after the second settlement were dispossessed of their immovable property, land etc. ?

(*b*) Is it a fact that they were in separate possession of immovable property ?

(*c*) Will the Hon'ble Prime Minister please place on the table of the House a list of persons so deprived of their property ?

(*d*) Will the Hon'ble Prime Minister please state if there is any such law and if so, will a copy of the same be placed on the table of the House ?

(*e*) If the answer to (*d*) be in the negative, will justice be done to the people so deprived of their property and the possession of such property restored to them ?

R. B. PANDIT RAM CHAND KAK : (*a*) Yes.

(*b*) Some were in separate and some were in joint possession.

(*c*) Only six persons are reported to have so lost their landed property. Their names are :—

(1) Basantoo son of Faqir Chand.
(2) Durga Dut son of Gobind Sahai.
(3) Chada son of Sakali.
(4) Mangal Singh son of Shaman.
(5) Mahant Ram son of Sarupa.
(6) Shiv Saran son of Labhu.

(*d*) The member *is* referred to State Council Resolution No. 6, dated 31st December 1892 published in notification No. 107 page 110 of Judicial Circulars.

(*e*) In view of the replies given above this question does not arise.

MIRZA MOHAMMED AFZAL BEG : What is the answer to part (*b*) Sir ?

NOTE.—The Chief Secretary repeated the reply.

MIRZA MOHAMMED AFZAL BEG : Did they forfeit right to separate property ?

R. B. PANDIT RAM CHAND KAK : I am afraid I have no information on that.

208. MAJOR MIRZA ATTA MOHAMMED KHAN : (*a*) Will Hon'ble the Revenue Minister in regard to question Serial No. 103 Q. D. No. 54 asked in a meeting of the Praja Sabha held on 15th Assuj 1994 please enquire from the Tehsildar Rajouri as to the price of the liveries and the period after which they are supplied and the number of articles supplied to them ?

(*b*) Will the Tehsildar's report be laid on the table of the House ?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) The Choukidars' liveries are got prepared by the Governor's Office every year through contractors appointed by the Government. The Tahsildars have nothing to do with this matter. As has already been stated in the Praja Sabha Session held in Assuj 1994, one Kurta, one Pajama and one turban are supplied to each Choukidar every year and one spear and one leather belt periodically. The uniform without spear and belt costs about Rs. 6 and with spear and belt about 11. Under these circumstances it is needless to enquire from any Tehsildar.

(*b*) Does not arise.

MAJOR MIRZA ATTA MOHAMMED KHAN : Is the Hon'ble Revenue Minister aware of the fact that uniforms are not given to Chaukidars annually ?

K. B. RAJA MOHAMMED AFZAL KHAN : They get annually.

MAJOR MIRZA ATTA MOHAMMED KHAN : I say, they do not get anuually. That is why I made request for getting inquiry made by Tehsildars

K. B RAJA MOHAMMED AFZAL KHAN : You give names of those choukidars who do net get uniforms.

MAJOR MIRZA ATTA MOHAMMED KHAN : I say, no choukidar gets it.

MIRZA MOHAMMED AFZAL BEG : According to the record they must be getting it.

MIAN AHMED YAR : Is this reply given after consulting the record ?

K. B. RAJA MOHAMMED AFZAL KHAN : Yes, this reply is given after seeing the records

209. MAJOR MIRZA ATTA MOHAMMED KHAN : Will Hon'ble the Revenue Minister with reference to question No. 138 Q. D. No. 56 asked in the Praja Sabha held in Assuj 1994 please state whether the refund bills have been audited in the Accounts Office?

(*b*) If the answer to (*a*) be in the affirmative, when are the disbursements expected to be made ?

(*c*) Are the poor agriculturists entitled to interest on account of delay in payment of the bills ?

(*d*) Does the Hon'ble Revenue Minister know that the poor agriculturists deposited the amount in the Treasury after borrowing them at 50 per cent. interest ?

(*e*) Will it be stated whether delay has not been caused in refunding the amounts ?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(*b*) Rs. 539 have since been disbursed and the remaining amount of Rs. 121 will be disbursed on appearance of claimants.

(*c*) As delay is inevitable in such cases, no interest can be paid.

(*d*) No.

(*e*) Yes.

MAJOR MIRZA ATTA MOHAMMED KHAN : You said that interest cannot be paid. Under these circumstances how can they repay.

K. B. RAJA MOHAMMED AFZAL KHAN : The Government neither charges nor gives interest. If by mistake any amount is taken it is refunded.

210. MAJOR MIRZA ATTA MOHAMMED KHAN : (*a*) Will Hon'ble the Revenue Minister please state whether one pice per rupee is being collected from all the agriculturists and non-agriculturists as sanitation cess ? (*Vide* Q. D. No. 57 Serial No. 136 asked in the last Srinagar Session).

(*b*) If it is a fact will separate figures be stated to show the annual income from the Tehsils of Rajouri and Reasi in the District of Reasi ?

(*c*) Will it be stated how much amount has been spent on sanitation in these Tehsils ?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(*b*) The annual income under this head is in.—

Tehsil Reasi ... Rs. 2,079.

,, Rajouri ... Rs. 2,013.

(*c*) Rs. 956 and Rs. 1,258 have been spent on water supply and sanitation in Reasi Tehsil in 1992-93 and 1993-94.

Nothing has so far been spent in Rajouri Tehsil.

MAJOR MIRZA ATTA MOHAMMED KHAN : Has any arrangement been made for Rajouri Tehsil as well ?

K. B. RAJA MOHAMMED AFZAL KHAN : We have made the programme Tehsilwise. Gradually the turn of your Tehsil also will come

MAJOR MIRZA ATTA MOHAMMED KHAN : If you were not to realize money from them continuously then the turn will come by and by.

K. B. RAJA MOHAMMED AFZAL KHAN : It is not a rule that

the amount which is realized from a Tehsil should be spent on the same Tehsil.

MAJOR MIRZA ATTA MOHAMMED KHAN : Why not ?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : You can ask question only.

SARDAR DHIAN SINGH : Is the account of the sanitation cess kept separate ?

K. B. RAJA MOHAMMED AFZAL KHAN : Yes, this is separate account.

SARDAR DHIAN SINGH : Whatever is saved, does it go into the treasury ?

K. B. RAJA MOHAMMED AFZAL KHAN : No, it does not go into the treasury ; it is kept separate.

MIRZA MOHAMMED AFZAL BEG : Have the Government any objection in spending sanitation cess on villages, particularly on the villages from which it is recovered ?

K. B. RAJA MOHAMMED AFZAL KHAN : It is impracticable.

MIRZA MOHAMMED AFZAL BEG : Is it a fact that the sanitation cess is recovered only from village zamindars and not from town people ?

K. B. RAJA MOHAMMED AFZAL KHAN : No, it is realized from town people.

MIRZA MOHAMMED AFZAL BEG : Will the Government, therefore spend this amount for the benefit of villagers in preference to town people ?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER (Prime Minister) : Government have under consideration Rural Development scheme when "Panchayat" or notified area authorities are established in villages who will look after the sanitation of villages and see that recoveries made as sanitation cess in each village are particularly earmarked for expenditure on that village.

211. KH. ALI MOHAMMED : Will Government please state : -

(*a*) What is the total number of books purchased during the last five years for the Jammu and Srinagar Libraries? How many of these are in English, Persian, Sanskrit, Arabic, Urdu and Hindi and what is the expenditure on each ?

(*b*) If these books be looked at from religious, historic and cultural standpoint, then what is the proporation of books on different religion, histories and culture ?

(*c*) Were these books suggested for purchase by the public or by some officer of the Department and on what principles have these purchases been made ?

PANDIT RAM NATH SHARMA : (*a*) :—

	Jammu Library.	Cost.	Srinagar Library.	Cost.
	No.	Rs.	No.	Rs.
English ...	981	4,296	1,037	4,772
Arabic, Persian, Urdu ...	323	649	308	508
Sanskrit Hindi ...	215	640	140	343
Gurmukhi ...	25	54	.....	.....
Total ...	1,544	.....	1,485	.....

(*b*) :—

Islamic religion ... 39.
Hindu ,, ... 40.
Other ,, ... 8.
Indian Histories ... 133.
Foreign ,, ... 162.
Others of different cultures.
Mostly of European culture.

(*c*) In Jammu Library nearly all the books have been suggested by the Library going public of different thoughts.

Due proportion is given to each section and purchases are made according to the demand of the Reading Public.

In Srinagar Library books are suggested by the Selection Committee of Professors of the local College keeping in view the public demand.

212. KH. ALI MOHAMMED : What is the strength of the establishment in either of these Libraries ? How many of them are Muslims and how many Non-Muslims and what posts are held by each ?

PANDIT RAM NATH SHARMA :

Jammu Library.		Srinagar Library.	
Librarian ...	one	one	Four (All Hindus.)
Assistant Librarian ...	one	one	
Peons ...	two	one	
Chowkidar and Cleaner ...	one	one	

213. KH. ALI MOHAMMED : What are the educational qualifications of the responsible officers and where did the Librarian and the Assistant Librarian receive their training ?

PANDIT RAM NATH SHARMA : Director of Education is the responsible officer of both the Libraries.

Jammu Librarian received training at Jammu and Lahore.

Srinagar Librarian received training in the Punjab University Library Training Course at Lahore and he is also B. A.

Assistant Librarian Srinagar Library has got 17 years past experience in the same Library.

214. KH. ALI MOHAMMED : Is it a fact that a resolution was passed in the Praja Sabha recommending the zamindars for exemption for import duty on goods up to the value of Rs. 25.

If the answer be in the affirmative then will Government please place such figures on the table of the House from Suchet Ghar, Tawi, Gutalian, Kohala, Ramkot and Domel, as would show how far have the recommendations of the Praja Sabha been carried out into practice ?

PANDIT RAM NATH SHARMA : (*a*) Yes. The orders are, however, for labourers and not for zamindars.

(*b*) Under this head articles are exempted as part of personal luggage and therefore no record of such exemptions is kept.

SARDAR DHIAN SINGH : Do you understand that the zamindars of this place are so well off that they can bear the burden of customs duty.

PANDIT RAM NATH SHARMA : That is a new question.

215. KH. ALI MOHAMMED : Is it a fact that when charging duty the customs officers do not inform the zamindars that they can import goods free of duty up to the value of Rs. 25 and that they take undue advantage of the zamindar's ignorance and as before subject their goods to duty even if their goods do not exceed the value of Rs. 25

If the answer be in the affirmative, then it may please be stated what punishment has been meted out to such officers for neglect of their duty and what steps have been taken to inform the public of this concession in duty.

PANDIT RAM NATH SHARMA : I. The Customs Officers always exempt such labourers' articles to the value of Rs 25/-. No complaint has been received so far that any undue advantage of the labourers' ignorance is taken by the Customs officials. The orders regarding exemption of Rs. 25/- for labourers have been widely circulated and besides a special notice will be put up at the posts this year to this effect.

SRI PRATAP COLLEGE LIBRARY,

II. Does not arise.

KH. ALI MOHAMMED: Is it a fact that from labourers, at Suchetgarh Customs Post, customs duty is realized on cloth and tea the value of which is less than Rs 25/-?

PANDIT RAM NATH SHARMA: I could not follow your question.

MIRZA MOHAMMED AFZAL BEG : He means to say whether it is a fact that at the Suchetgarh Customs Post recoveries of customs duty are made on cloth and tea of less than Rs. 25/- in value from the labourers ?

R. B. PANDIT RAM CHAND KAK : Under Rs. 25/- certain articles have been specified which are exempted upto a certain quantity from the customs duty If in addition to that quantity some articles are imported then those articles are liable to customs duty.

MIRZA MOHAMMED AFZAL BEG: That is an amendment to the resolution which was passed in the House.

R. B PANDIT RAM CHAND KAK : Certain specified articles have been noted down, and exemption is with reference to personal luggage ; personal luggage brought in by this class of people valuing Rs. 25/- has been exempted.

MIRZA MOHAMMED AFZAL BEG : But has the Council amended the resolution, passed by the House ?

R. B. PANDIT RAM CHAND KAK : If you will read the connected speeches and the explanation of Sheikh Mohammed Amin, you will find what exactly is the purport of the resolution and then you will be satisfied.

MIRZA MOHAMMED AFZAL BEG : But he was not the member in charge of the resolution. This is rather a serious thing. The question is whether the Council accepts a resolution as it stands in the name of an individual member who moves the resolution or whether the Council accepts the recommendation which is contained in the speeches of all the members which are delivered in the House. I would therefore request he Hon'ble Prime Minister to let us know if the resolution which was passed in the House was accepted by the Government as it originally stood or otherwise.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR : All that I can say now is that the member wishes to know whether Government have given effect to the actual wording of the resolution passed in the House, and accepted by the Government at the time. I would like the member to give a notice, if there has been any want of compliance.

SUBEDAR KHAN MOHAMMED KHAN : If any zamindar imports salt for his cattle up to the value of Rs. 25/- will customs duty on it be exempted ?

R. B. PANDIT RAM CHAND KAK : No.

RAO BAHADUR THAKUR KARTAR SINGH JI : Exemption is granted for all those things which are brought for personal use and the value of which may be less than Rs. 25/-.

MIRZA MOHAMMED AFZAL BEG : Is it for all things ?

RAO BAHADUR THAKUR KARTAR SINGH JI : Yes, provided they are for his personal use. But no labourer can import salt or tea worth Rs. 25/- for his personal use This is impossible because he cannot bring such things worth Rs. 25/- for his personal use, rather he will bring them for shopkeeper. Under these conditions he cannot be exempted from customs duty.

PANDIT LOK NATH SHARMA : That is quite good an explanation.

MIRZA MOHAMMED AFZAL BEG : Is that the explanation given on behalf of the Government and is it acceptable to the Government ?

PANDIT LOK NATH SHARMA : Of course.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : My Hon'ble friend Thakur Kartar Singh was then in charge of that particular portfolio and as Minister of Finance he accepted the resolution I have no doubt that he has given the proper explanation regarding what he had accepted.

216. KH. ALI MOHAMMED : Will the Hon'ble Home Minister please state :—

(*a*) How many miles of road between Srinagar and Baramulla were coal-tarred last year ?

(*b*) Is it a fact that this year due to snow-fall the road has been damaged at several places. Who is responsible for this damage and what steps have been taken to put the road in order ?

(*c*) What is the scheme for spreading coal-tar on the entire J. V. Road ? When will this scheme mature and what expenditure will be incurred.

PANDIT RAM NATH SHARMA : (*a*) 6½ miles were tarred in last financil year

(*b*) Two miles—The matter is under investigation. steps are being taken to put the road in order.

(*c*) The road is being tarred gradually. This year about 16 miles more will be tarred.

217. KH. ALI MOHAMMED : Will the Hon'ble Home Minister please state :—

(*a*) What is the extent of hilly *Illaqa* on the Jhelum Valley Road and what is the amount of road toll on wheeled traffic ?

PANDIT RAM NATH SHARMA : (*a*) The hilly *Illaqa* of the road begins from Baramulla and its length upto Kohala is

98 miles. The amount of road toll on wheeled traffic on this road for 1993-94 is Rs 7,18,184.

218. KH. ALI MOHAMMED: (*a*) If it is a fact that the road from Kohala to Baramulla is narrow and dusty and has many sharp and dangerous bends.

(*b*) If the answer to part (*a*) be in the affirmative, will Government please state what steps have been taken to remove this difficulty?

PANDIT RAM NATH SHARMA: (*a*) The road is neither narrow nor so terribly dusty It has some sharp curves but these are not so dangerous.

(*b*) The Government is, however, taking steps to remove the defects. The sharp curves are being eased gradually and this year about 18 miles are proposed to be tarred so as to make them dust-proof.

219. BAKHSHI MOTI RAM: (*a*) Is it a fact that Government has proposed a scheme for grant of agricultural land to those educated unemployed who want to take agriculture as their profession?

(*b*) If the answer to part (*a*) be in the affirmative, then, it may please be stated to how many young men will land be granted, in which locality and to what extent? Besides what further aid will be given to these young men and on what conditions?

(*c*) Will agricultural land be granted to educated unemployed only or to all unemployed young men whether they have had high education or not?

R. B. PANDIT RAM CHAND KAK: (*a*) and (*b*) The evolving of such a scheme is under consideratian.

(*c*) To educated unemployed primarily.

SUBEDAR KHAN MOHAMMED KHAN: Will this concession effect the educated unemployed of Poonch or not?

LALA HANS RAJ: Is not Poonch a part of the State? If so, it will necessarily effect them.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: I think as a matter of fact it is for the Poonch Administration to make a reply to this question.

SUBEDAR KHAN MOHAMMED KHAK: What does he say?

PANDIT RAM NATH SHARMA: He says that it should be enquired from the Poonch Administration.

MIRZA MOMAMMED AFZAL BEG: He says, you do it.

220. BAKHSHI MOTI RAM: (*a*) Do Government know that there is very little growth of raw cotton in the State and that both raw cotton and cotton are imported from the British Territory?

(*b*) Do Government know that same duty is charged both

on raw cotton and cotton inspite of the fact that the prices are different?

(*c*) If the answer be in the affirmative, then will Government remove this definite defect and issue instructions for reduction of Customs duty in the case of raw cotton?

PANDIT RAM NATH SHARMA: (*a*) Yes.

(*b*) Yes.

(*c*) This question is under consideration of Government.

221. BAKHSHI MOTI RAM: (*a*) Do Government know that the Khadar Bhandar Srinagar is doing work on very large scale and is providing work to thousands of people?

(*b*) Is it a fact that the expert Mr. Barker had also recommended in his report that aid should be granted to this Bhandar?

(*c*) If the answer be in the affirmative, then it may please be stated if any grant has been given to this Bhandar? If so, how much? Will some grant be given to this Bhandar for opening a Branch in Jammu also?

R. B. PANDIT RAM CHAND KAK: (*a*) Government is aware that the Kashmir Branch of the All India Spinners Association is doing good work and providing work in a number of villages to a good number of persons.

(*b*) Mr. Barker has written approvingly of the results of the activities of the Branch in Kashmir.

(*c*) No grant has been given so far. It has, however, been recently indicated to the Manager of the Branch that if a suitable scheme for help is sent up it will receive sympathetic consideration.

222. BAKHSHI MOTI RAM. (*a*) Is Government prepared to help some private firm in connection with the supply of electricity in Mirpur city?

(*b*) Will Government arrange for electric supply to Mirpur from Head Canal Mangla?

PANDIT RAM NATH SHARMA: (*a*) A reply to this question can only be given on receipt of information as to what sort of help and on what terms is required.

(*b*) This will require thorough investigation before any reply can be given. Reference to the Punjab Government will also perhaps have to be made.

LALA RAM LAL VAKIL: Are Government prepared to help any firm just as they did in case of Mr. Daulat Ram Sharma by advancing loan at the time of generating electric power at Muzaffarabad?

PANDIT RAM NATH SHARMA: If there be any deserving firm the loan will be advanced.

LALA RAM LAL VAKIL: You said "It is necessary to make inquiry in order to give reply to part (*b*) of the question". Will this inquiry be made?

PANDIT LOK NATH SHARMA: But no application has come to this effect. If any local man will apply, it will be done.

LALA RAM LAL VAKIL: Will you not make inquiry?

PANDIT RAM NATH SHARMA: It will be done on the receipt of an application.

223. BAKHSHI MOTI RAM: (*a*) Do Government know that from Mirpur thousands of people go to Chaumakh, Dodhial, Hel, etc. etc., but for want of a bridge over the river Chaumakh there is every danger to life and property?

(*b*) If the answer be in the affirmative, then will Government construct a bridge there as early as possible.

PANDIT RAM NATH SHARMA: (*a*) This is not known to the Public Works Department.

(*b*) This road has recently been transferred to the Public Works Department. If the construction of a bridge, appears necessary an estimate will be prepared, the site selected and funds arranged.

224. BAKHSHI MOTI RAM: Will Government arrange for the construction of a metalled road between Mirpur and Chaumakh, so that wheeled traffic may be possible there?

PANDIT RAM NATH SHARMA: The road is being included in the Road Development Programme and it will be metalled in due course when funds are forthcoming.

225. BAKHSHI MOTI RAM: Do Government know that in *Illaqa* Andhral, Dodhial, Sri Partap Singh Pura Hel etc. there is only one hospital where, for want of Midwives, there is no arrangement for proper treatment of women:

(*b*) If the answer to part (*a*) be in the affirmative then will Government please arrange for the appointments of midwives in that hospital.

PANDIT RAM NATH SHARMA: Yes there is no midwife attached to Dodyial Dispensary. There is, however, one at Mirpur. The provision of a midwife at each dispensary is not possible at present.

226. BAKHSHI MOTI RAM: (*a*) Do Government know that in the Dodhial Hospital (Sri Partap Singh Pura) the average number of patients per day is 75?

(*b*) Is it a fact that the provision for medicine in this hospital is not sufficient for meeting the demands of such a large number of patients?

(*c*) If the answer be in the affirmative then will Government arrange for supply of sufficient stock of medicines which should meet all the requirements of patients:

PANDIT RAM NATH SHARMA: (*a*) The average number of patients last year was 73.

(*b*) & (*c*) The provision fluctuates according to requirements

within the total sanctioned grant and when any dispensary exceeds its allotted quota a further supply is made from the provincial stores.

LALA RAM LAL VAKIL: It is asked in part (b) of the question whether it is a fact that in that dispensary the stock of medicine is very little. Will this stock be increased?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): However, if it is less it can be increased.

PANDIT RAM NATH SHARMA: In the reply it has been said that there is no deficiency, and that if at any place it falls short it is increased.

227. SUBEDAR KHAN MOHAMMED KHAN: Will Government issue orders for the teaching of English in such Primary schools where the teachers are either Middle pass or are Matriculates?

Will Government turn Vernacular Primary schools into anglo-Vernecular Middle schools so that the students may save one year which they have to spend in the special class after passing the Primary Standard.

PANDIT RAM NATH SHARMA: Government is not prepared to introduce English in all Muffassil Primary schools, but it will take into consideration the cases of important institutions provided that no extra expenditure is incurred. There are only four Vernacular Middle Schools at the following places: –

1. Manawar.
2. Panjeri.
3. Rajouri.
4. Hamirpur Sidhar.

Arrangements for teaching English have already been made in these schools.

SUBEDAR KHAN MOHAMMED KHAN: The reply has been given regarding the primary schools of Jammu and Kashmir State, but no mention has been made about the Poonch Primary schools?

PANDIT LOK NATH SHARMA: But in the question there is no mention about Poonch.

SUBEDAR KHAN MOHAMMED KHAN: But I am a member from Poonch constituency. (Laughter).

228. SUBEDAR KHAN MOHAMMED KHAN: Are Government aware that the number of students reading in the Plandri High School is very small because there is no arrangement for the teaching of Science in this school because those students who wish to get higher education and join College or Medicine Forest, Engineering or Agriculture have to face very great difficulties in securing admission?

Will Government in order to solve these difficulties, arrange for the teaching of Science in the High classes of the Plandri High School?

WAZIR FEROZ CHAND : Non-introduction of Science in the School is not responsible for the small number of students reading in the School but it is the locality of the place which lies at a corner of the *Illaqa*, which accounts for the same.

In view of the above the last part of the question does not arise. The question will be considered only when teaching of the subject is justified by the number of students and other circumstances.

SUBEDAR KHAN MOHAMMED KHAN : When any school is incomplete how can the number of students increase therein when there is neither science nor drawing how can the number of students increase. It has been remarked in the reply that when the number of students will increase, Drawing and Science will be introduced in the school. In the absence of Science in the college the students are handicapped. They are deprived of attaining higher education, as it is impossible for them to take science as one of their subjects. Thus lot of their money is wasted.

WAZIR FEROZ CHAND : This is your opinion, and not ours. We hold that unless there is sufficient number of students Science and Drawing cannot be introduced. You know last year only three students appeared in the Matriculation Examination, and this year there is not even one student. Under these circumstances it is sheer waste of money to open Science class When there will be sufficient number of students a Science teacher will be appointed.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu)) : However, the reply has been given that when there will arise necessity the arrangement will be made.

SUBEDAR KHAN MOHAMMED KHAN : The arrangement that has been made in Jammu and Kashmir State in this respect is not found in Poonch.

WAZIR FEROZ CHAND : Why not ? How can you say that ? Since last three years it has been done.

229. SUBEDAR KHAN MOHAMMED KHAN : Will Government in order to improve the lot of the zamindars issue special orders to the employees of the Co-operative Department, the touring officers of the Revenue, Education and Forest Departments that they should take upon themselves the task of rural uplift and should instruct the zamindars of the uses of manure pits, better seeds, better breed of cattle, farming, education of boys and girls, sanitation, good housing cleanliness etc. ?

RAI BAHADUR PANDIT RAM CHAND KAK : The Government will consider the suggestion of the Praja Sabha Sad. He is, however, informed that the Co-operative Department officials already do propaganda work in the use of manure pits, better

seeds, better breed of cattle, farming, advantages of education, sanitation etc.

230. SUBEDAR KHAN MOHAMMED KHAN : Do Government know that there is a private girls school in Malot, Tehsil Bagh ?

If the answer be in the affirmative, then are Poonch administration prepared to enter this school on the approved list ?

WAZIR FEROZ CHAND : Yes.

The matter will be considered.

SUBEDAR KHAN MOHAMMED KHAN : Last time also it was said that on receiving information the matter would be considered. How long will it be considered ?

WAZIR FEROZ CHAND : I know nothing about last time. The reply has been given according to the question.

SUBEDAR KHAN MOHAMMED KHAN : If it is brought to the notice, will it be made then a Government school ?

WAZIR FEROZ CHAND : Yes, this matter will receive consideration along with others.

231. SUBEDAR KHAN MOHAMMED KHAN : Do Government know that in Palandri Tehsil, Sudmuti, there is a private girls school If so, are the Poonch administration prepared to enter this school on the approved list ?

WAZIR FEROZ CHAND : The Administration has no knowledge of any such School.

In view of the above the last part of question does not arise.

232. SUBEDAR KHAN MOHAMMED KHAN : Is it a fact that to encourage trade and industry last year an exhibition was held in Poonch and the Wazir stated that the next exhibition will be held in Rawlakot ?

If the answer be in the affirmative, then, has the Wazir arranged for some propaganda work in Rawlakote to make the Exhibition a success ?

Has some date or month been fixed for this purpose ? If not why ?

WAZIR FEROZ CHAND : Last year exhibition was held at Sakhi Sarwar Tehsil Mendhar.

Yes it was stated that the question would be considered.

This year the Exhibition is proposed to be held at Poonch proper in Baisakh 1995 and necessary propaganda will be done.

In view of the above, the last part of the question does not arise.

SUBEDAR KHAN MOHAMMED KHAN : Will it not be advisable if the zamindars of Kawalakot are made familiar with the advantages of exhibtion, just as the zamindars of Mendhar were made ?

WAZIR FEROZ CHAND : Your proposal has been sent to the Committee.

233. SUBEDAR KHAN MOHAMMED KHAN : (*a*) Is it a fact that on 17th January 1937 Mohammed Habab Khan, B. Sc., and Mohammed Ibrahim Khan, B. A , had applied to the Hon'ble, Prime Minister for the grant of State scholarship.

(*b*) Will Government please state why were not these candidates granted any scholarship ?

R. B. PANDIT RAM CHAND KAK : (*a*) Yes.

(*b*) Scholarships are granted on merits, and not every person who applies can expect to secure a scholarship.

SUBEDAR KHAN MOHAMMED KHAN : Is there no objection for a Poonch student to secure a scholarship from Jammu and Kashmir Government ?

R. B. PANDIT RAM CHAND KAK : There is no objection.

234. SUBEDAR KHAN MOHAMMED KHAN : Is it a fact that in villages where there is no Khalsa area for grazing purposes the zamindars graze their cattle in their cultivated areas for which they pay revenue ? Are Government prepared to remit Tirni (Grazing Tax) in the case of these villages ? If not, why ?

WAZIR FEROZ CHAND : The Administration has no knowledge of any such villege where no Khalsa land exists and the zamindars graze their cattle in their lands assessed to land revenue.

In view of the above the last portion of the question does not arise.

SUBEDAR KHAN MOHAMMAD KHAN : If it is proved that there are such villages, are you prepared to consider their cases

WAZIR FEROR CHAND : Yes I am prepared.

235. KHAWAJA SANAULLAH SHAH : (*a*) Do Government know that the Chaprasis of Tehsil Khas are paid Rs. 14 per mensem and besides they are given two uniforms in a year while the Chaprasis of Tehsil Handwara, Baramulla, Kulgam, Awantipura etc. get only Rs 12 per mensem and no uniform.

(*b*) Do Government also know that the Chaprasis of Tehsil Khas have to attend their duty only during the day while the Chaprasis of the Muffasils have to remain on duty all the twenty-four hours ?

(*c*) Do Government also know that in the Police, Customs and Forest Department such employees draw Rs. 16 p. m. or above, and they get uniforms besides ?

(*d*) If the answers to the parts above be in the affirmative will Government raise the pays of the peons in the Muffasil Tehsils and order the grant of uniform to them also ? If so, when ?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) Yes The pay of all Chaprasis is uniform, *viz*. Rs. 12 p. m. They are, however, allowed Rs. 2 p. m. as Town Allowance when posted at Government Headquarters.

(*b*) No.

(*c*) No. The Praja Sabha Sad is referred to the relpy to part (*a*) above.

(*d*) *Part Ist.* – Does not arsie.

Part 2nd.—The matter will be looked into.

236. KH SANAULLAH SHAH : (*a*) Do Government know that sanction was accorded in 1993-94 for 'soiling' (metalling about sixteen miles of road between Sopore and Drugmula and the work was done through a contractor

(*b*) Is it a fact that metalling was done only for ten miles instead of sixteen and that also about the middle of the road ? (*i. e.* from Sopore to Odhara, or from the seventh mile to the sixteenth).

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) The information is being called for from the Divisional Engineer and will be supplied later.

237. KH. SANAULLAH SHAH : (*a*) Will Government please state how many plants were distributed among the zamindars from early 1990 to 1994 by the Agriculture Department in the Higher *Illaqas* of Tehsil Handwara, that is *Illaqa* Gorigam Nar, Lolab, Magam Nar, Uttar Nahra, Kandi (excepting Hamal and Zainagair) ?

(*b*) If young plants have been distributed among the villages in these *Illaqas*, then to what extent? and where ? If not, why ?

K. B. RAJA MOHAMMED AFZAL KHAN : The following number of fruit plants have been distributed among the villages mentioned in the question, during the last 4 years. The distribution for 1994 has just begun, and figures cannot be given at this stage.

Kandi and higher *Illaqas* of Uttarmachipura Tehsil, excluding Hamal and Zainagair.

(*i*) Chera Har	100	(1990).
(*ii*) Aryan Sahib	200	(1991).
(*iii*) Kandi	425	(1990).
(*iv*) Drugmulla	192	(1993).
(*v*) Kupwara	16	(1990).
(*vi*) Renan	16	(1990).
(*vii*) Sosli Har	100	(1990).
(*viii*) Muqami-Shahid Mir	50	(1993).

No plants have been distributed in Gorigam Nar, Lolab and Uttar Nar during these years.

(*b*) Plants are supplied on individual requests. If no plants have been supplied to any particular individual or locality, it is because no such requests have been received.

238. KHAWAJA SANAULLAH SHAH : Do Government know that His Highness Maharaja Bahadur had, keeping in view the

interests of the poor zamindars, issued orders that Kearo wood may be granted from the forests at concession rates to the zamindars for building purposes :—

(*b*) Do Government know that in the Revenue Department no such concession has so far been granted to the zamindars ?

(*c*) If the answers to parts (*a*) and (*b*) be in the affirmative, then, will Government issue orders for grant of Kearo wood even from outside the forest bounds, to the zamindars on concession rates so that the zamindars may be saved a good deal of expenditure.

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) Yes, there are rules under which the Forest Department sells trees to zamindars at concession rates.

(*b*) No .this is not a fact. The Revenue Department makes free grant of trees to zamindars under Rules regarding free grant of trees.

(*c*) Does not arise.

239. KHAWAJA SANAULLAH SHAH : (*a*) Do Government know that Ailan No. 38 of 1937 has been promulgated for grant of loans to the zamindars in order to improve the value of the land.

(*b*) If it is a fact, will Government please state what amount has been granted as loan to the zamindars of Tehsil Handawara ?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(*b*) Rs. 1,957.

240. KH. SANAULLAH SHAH : (*a*) Do Government know that while there are many of Government and private schools in the cities Government has made education compulsory there ; but inspite of the fact that there are no Government schools in the villages Government has not enforced compulsory education there ?

(*b*) Do Government also know that the poor zamindars pay education cess besides revenue ?

(*c*) If the answers to parts (*a*) and (*b*) be in the affirmative, then, will Government considering the backwardness of the people enforce compulsory education in the villages. If so, shall we hope that Government will take some steps to enforce compulsory education in early 1995.

PANDIT RAM NATH SHARMA : (*a*) Reply to the first part of the question is in the affirmative. There are both Government and aided schools in villages.

(*b*) Yes.

(*c*) It is not intended at present to introduce compulsory Education throughout the State.

241. KHAWAJA SANAULLAH SHAH : (*a*) Do Government know that Nallah Mawar which crosses the main road between Handwara and Baramulla has no bridge on it ?

(*b*) Do Government also know that people have to cross this Nallah day and night and very often when the Nallah is in floods there is every danger of a person being washed away by the floods

(*c*) If the answer to parts above be in the affirmative then will Government issue orders for the construction of the bridge over Nallah Mawar ?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) , (*b*) and (*c*) Funds have been provided and the construction of the bridge will be taken up this year.

242. KHAWAJA SANAULLAH SHAH: (*a*) Do Government know that the zamindars have cut down walnut trees but are paying revenue for the same.

(*b*) Do Government also know that orders have already been issued for the remission of land revenue in case of such walnut trees as have been cut down

(*c*) If the answers to the above parts be in the affirmative, then, will Government state in which places of Tehsil Handwara has revenue been remitted on account of walnut trees which have been cut down there ?

K B. RAJA MOHAMMED AFZAL KHAN: (*a*) Government have no knowledge

(*b*) Yes.

(*c*) It would serve more useful purpose if the particular cases in which remission has not, so far been allowed were brought to the notice of the authorities concerned. The information asked for involves unnecessary labour and cannot be undertaken.

243. SARDAR MAL SINGH: (*a*) Will Hon'ble the Home Minister please state the total expenditure incurred by the Public Works Department in Bandipur Division in 1993.

PANDIT RAM NATH SHARMA: The necessary information is being collected and will be supplied in due course.

SARDAR MAL SINGH: Will this information be supplied in this session or in the next ?

PANDIT RAM NATH SHARMA: When it will be received, it will be supplied.

SARDAR MAL SINGH: I had asked in this question something more, but I cannot understand why that part of the question has been disallowed ?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): If some part of the question has been disallowed you cannot ask supplementary questions in connection with that.

SARDAR DHIAN SINGH: If a sub-division being abolished from one division is transfered to another division, there is no substantial gain.

PANDIT RAM NATH SHARMA: This is a proposal, and not a question.

SARDAR MAL SINGH: How much new plantation has been done ?

PANDIT RAM NATH SHARMA: That is a new question.

SARDAR MAL SINGH: Such question was put, but it was disallowed. It is not known why?

244. SARDAR MAL SINGH: (*a*) Is it a fact that the Ladakh Sub-Division from the Kashmir Division and Sopore Sub-Division from the Jhelum Valley Road Division have been included in the Bandipur Division?

PANDIT RAM NATH SHARMA: (*a*) Yes, Ladakh Sub-Division and a portion of Sopore Sub-Division were transferred to Bandipur Division from the Jhelum Valley Road Division.

245. SARDAR MAL SINGH: (a) Will Hon'ble the Revenue Minister please state the number of Deodar, Kairo, Badalo, and Ash trees which the Forest Department have cut down during the last ten years in the Kashmir Valley?

K. B. RAJA MOHAMMED AFZAL KHAN:—

(a)	Deodar ...	...	... 3,23,499
	Kail ...	...	... 2,79,055
	Budlu ...	...	... 2,44,893
	Ash ...	...	... 142
(*b*)	Acres ..	...	... 8,315

246. SARDAR MAL SINGH: Is it a fact that the provision in the Budget for the Sri Amar Singh Technical Institute was previously Rs. 80,000 per annum and is now Rs. 30,000 only? Will Hon'ble the Minister concerned please state reasons for reducing this grant?

PANDIT RAM NATH SHARMA: It was about Rs. 78,000 for one year only. Reduction was made due to financial stringency.

247. SARDAR MAL SINGH: Is it a fact that formerly in the Sri Amarsingh Technical Institute there was provision for Sub-Overseer classes? If the answer be in the affirmative, will Hon'ble the Minister in charge issue instructions for the re-opening of these classes? If not, why?

PANDIT RAM NATH SHARMA: The class was abolished on account of financial stringency. The question of re-opening it will be taken into consideration if and when the necessity arises.

SARDAR MAL SINGH: Do you feel the necessity at this time?

PANDIT RAM NATH SHARMA: Provided the necessity will be felt.

SARDAR MAL SINGH: Is there no necessity at present?

PANDIT RAM NATH SHARMA: If necessity arises it will be done.

SARDAR MAL SINGH: If it is done will the retrenched Sub-Overseer be re-appointed?

PANDIT RAM NATH SHARMA: If necessity arises it will be enquired as to in what manner the appointment will be made.

SARDAR MAL SINGH: This is not a satisfactory reply. It is an attempt to put off the matter.

248. SARDAR MAL SINGH : Is it a fact that the Superintendent Sir Amarsingh Technical Institute stated in his annual report that there is paucity of competent teachers in his school?

If the answer be in the affirmarive, will Hon'ble the Home Minister please state if competent teachers have been appointed there or not? If not, why?

PANDIT RAM NATH SHARMA: Reply to the first part of the question is in the negative. The second part of the question does not arise.

249. SARDAR MAL SINGH: Is it a fact that since long a scheme for opening a paper Mill in the State has been under consideration of the Government? Now that the Government has agreed to open a paper factory outside the State in Jhelum or some other place and the Forest Department has also agreed to give trees at concession rates will Hon'ble the Minister-in-Charge please state how will the opening of a factory outside the State benefit our people?

K. B. RAJA MOHAMMED AFZAL KHAN: The Government are not aware that there was any scheme for opening a paper mill in the State. In 1932 the then Covernment agreed to sell to one Sullivan a certain number of trees every year to enable the purchaser to establish a paper factory. But the then Government stated that it was not bound to provide a site for the factory within the State. The present Government has not done anything beyond what was done in 1932. The rest of the question does not arise.

250. SARDAR MAL SINGH: Is it a fact that when the land which yields only one crop in a year is flooded, then only one revenue instalment is remitted to the zamindar? If so, will Hon'ble the revenue Minister please state reasons for not remitting the whole of Revenue?

K. B. RAJA MOHAMMED AFZAL KHAN: *Part I.*—Remissions are granted on the merits of each case. Even in case of *do-fasli* lands, the extent of floods in a certain harvest may warrant remission for both the crops, for which provision exists in our rules. Similarly, in case of *Yak-falsi* lands, remission of both the instalments can be allowed, after due regard to the paying capacity of the land owner, if he cannot derive any benefit from such land for the full year, owing to flood at harvest time.

Part II. This is also disposed of by reply under Part I.

SARDAR MAL SINGH: If one crop is grown and the second fails for want of water, why is land revenue not remitted in the case of the crop that has so failed, when a remission is granted if both the crops fail.

K. B. RAJA MOHAMMED AFZAL KHAN: If one crop does not grow the remission of land revenue is not granted at that

time, but it is postponed in the first instance. It is sometimes postponed for two or three years. If zamindars are unable to pay land revenue in the first year it is realized in the second year. If they are unable to pay even in the second year it is realized in the third year. This is done because if crop does not grow in one year it may grow in the second year, and if no crop grows continuously for some years the land revenue is remitted. It is not remitted at the failure of one crop only.

SARDAR MAL SINGH: Why not?

K. B. RAJA MOHAMMED AFZAL KHAN: There is no such mention in the rules.

SARDAR MAL SINGH: This is unjust.

251. SARDAR HARI SINGH: (*a*) Are Government aware that Bimla Kaul, teachress Government Girls High School has said to the Girls students that Punjabi is a language of rustic and this rough language should not be talked in the school and the students should also recite their respective lessons in Hindi language but the Sikh girl students has protested that it is their mother tongue, they should therefore be asked questions in Punjabi for which she turned the students out of their classes ?

(*b*) Will Government please state whether any such circular has been issued by the Education Department that speaking of Punjabi is prohibited in the Government Girls High School Jammu ? If not, why the teachress (Bimla Kaul) had used such words (against the language) in the school ?

(*c*) What action has been taken by the Government in the matter so far ?

PANDIT RAM NATH SHARMA: (*a*) No The fact is that the students were told by Sh. Bimla Koul to recite their lessons in Hindustani. Two girls were turned out of the class on 19th January 1938 and one on 21 st January 1938 not on this account but for not behaving properly

(*b*) No. The teacher denies the allegations.

(*c*) The teacher has been asked to learn Punjabi and she is now giving leasons to the girls and there is now no complaint.

PANDIT JIA LAL KILAM: What is the medium of instruction in that school ? Is it Hindi or Urdu ?

PANDIT RAM NATH SHARMA: Hindi and Urdu both.

PANDIT JIA LAL KILAM: Am I to understand that the teachress did not commit any defliction of duty. That is there is no blame on her.

PANDIT RAM NATH SHARMA: No.

SARDAR HARI SINGH: What do you mean by Hindustani ?

PANDIT RAM NATH SHARMA: Hindustani means Urdu or Hindi.

SARDAR HARI SINGH: Is Punjabi not a language ? If a gir

replies in Punjabi will her reply not be listened to ?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Your question is pertaining to the medium of introduction.

SARDAR HARI SINGH : When Bimla Kumari is born in the Punjab, and has lived a good deal of her life there, and has mixed with Punjabies, and has acquired her education there, how can it be possible that she may not know Punjabi ? Hindi is being taught in Government schools, but Punjabi is not introduced.

PANDIT JAI LAL KILAM : Medium is Hindi.

SARDAR HARI SINGH : It is a fact that this is being done to ruin the Sikh Community.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : In the reply it has been said that she is instructed to learn Punjabi

SARDAR KANAYA SINGH : In Ranbirsinghpura the girls read Punjabi and Gurmukhi, and if on entering into High schools they are asked to read Hindi course, how can they read that.

PANDIT JIA LAL KILAM : This is hypothetical question. This is not question of 'ifs' or 'buts'.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The reply has been given.

LALA SHIV NATH NANDA : Mr. President, I want to ask a supplementary question.

MR. PRESIDENT (The Honble Mr. Justice K. L. Kichlu) : This question is done with. If you want to ask about next question you can do that.

SARDAR KANAYA SINGH : I did not get reply to my question Will it be stated that girls will not be compelled to read Hindi ?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : This question is over. She has been instructed to try to learn Punjabi.

SARDAR HARI SINGH : She knows already.

252 SARDAR HARI SINGH : Will Government be pleased to state as to what remarks have been recorded against Bimla Kaul by Mrs. Mohan Lal, Head Teachress, Government Girls High School, Jammu and what action has been taken by the Education Department in this matter ?

PANDIT RAM NATH SHARMA : A report has been called for from the Chief Inspectress of Girls Schools in this matter. On receipt of her report the question will be replied to.

SARDAR HARI SINGH : The question is as to what remarks have been made by the Head Teachress I want to know, if an officer passes some remarks against his subordinate, will it be made known to the public ?

PANDIT RAM NATH SHARMA: Officers are informed and not the public.

SARDAR HARI SINGH: Why the public is not informed.

PANDIT RAM NATH SHARMA: This remains confidential, and the officer is informed confidentially.

SARDAR HARI SINGH: Is this a reserved subject that information regarding this, is not supplied ? Our girls are turned out and we have approached the Hon'ble Home Minister, and Director of Education, in this respect.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): The resolution of Col. Abdur Rabmah Khan will be read out now and placed before the House for consideration. The Assistant Secretary will read it out.

NOTE—The Assistant Secretary read out the following resolution:—

"This Praja Sabha recommends to the Council that every Zamindar be given a plough of "banj" or "khair" from the adjoining forest free of charge at the time of every crop."

COL. ABDUR RAHMAN KHAN: Sir this little concession is being granted to the zamindars, risiding within three miles of the forest. I want to submit a few words about this.

Since 1956 when Mr. Lawrence started settlement work this concession was granted to the zamindars, who could get wood for ploughs without any hindrance. This concession was granted in both the parts of Jammu. My learned friends who are not agriculturists asked as to what this "Banj" means. I have put down ن and ج clearly.

Sh. Abdul Hamid and Mr. Kohli who are not agriculturists have used , instead of ب and they read it as "wanj" This is for them. The "Banj" of which I have made mention, is of 'beri', and the thing they require is of a different kind. That is they want 'Wanj.' There is a great difference between 'Banj' and 'Wanj' 'Wanj' in Punjabi means a long bamboo which they require. Before 1956 every zamindar could get wood for plough from the forest and there was no restriction. One man could get wood only for one plough. This practice still continues. Whenever zamindars feel a necessity for a plough they bring wood from the forest as usual. But now-a-days they do not follow rules scrupulously. They used to do this under rules without any hindrance. But a thief not following the rules, cuts wood in the forest and makes a plough. At that time permission was granted to take wood from the adjacent forests. The fact is that zamindars residing in the neighbourhood of forests can bring wood, and not those who are residing away from the forest. Can a man living in Nohshahra come to Jammu to get a plough, and then burn it? Only those who are residing in the vicinity of a forest can use forest wood

with disregard to rules. Poor zamindars whose living depends on a plough, and whose agricultural production depends on it cannot find means without it. I will quote some verses about the plough :—

Two bullocks in front and a plough between them. Plough was existing before Adam.

Although the word ہل is composed of two letters only, but this is compass for the whole world.

Plough is always in the hands of zamindars. A king as well as a beggar is supported by an ordinary plough. The roads and palaces are dazzling with electric light, but the plough remains, soiled with mud and dust.

The Hon'ble members have submitted amendments to the resolution. In Kashmir where trees of both the kinds do not grow any other kind of wood, which is suitable for the zamindars of that place, may be given to them. Government also will not be over-burdened, because the zamindars will cut and carry it themselves. My submission is that the Government should make arrangements for awarding such a kind of ordinary wood, that the agriculturists may not cut off the trees of 'Khair' and 'Bunj' irregularly. I have seen with my own eyes that the trees are being cut for use against the rules because 'Khair' is found in abundance near Jammu province, and near snowy *Illaqas* there is 'Banj'. Both kinds of wood is used for ploughs. Under existing circumstances zamindars are obliged to satisfy their wants in this way. They cut a tree, big or small, out of these two kinds in the forests without permission. If the concession which I have proposed for them and which they deserve is granted to them, they will extend their hand to young trees, and by cutting them inflict a heavy loss upon the Government.

Sir Walter Lawrence who started settlement work in the State and to whose report great importance is attached in the State, has written in his book namely 'Valley of Kashmir' on page 427. "The system of giving wood to zamindars for building and agricultural implements free of cost has been continued up to this time. I strongly recommend that this practice should not be discontinued. If the Forest Department wants to deprive them of this right, it is necessary that the rate of land revenue should be reduced for which I have already made a proposal ; I would never have proposed such a high rate and had I known that the price for these things will be realised from zamindars. I have clearly stated in my settlement report that the zamindars who pay land revenue should be granted forest concession."

PANDIT JIA LAL KILAM : Sir, I support him, as nobody has supported him.

S. DHIAN SINGH : Sir, I want to ask whether this will effect

the whole State or some certain Tehsils? I want to submit that it will not effect all people in the State equally because, 'Khair' and 'Banj' trees are not found in all *Illaqas*. Under these circumstances how can this resolution be passed.

SARDAR HARI SINGH: Sir, I want to submit very briefly as to what Colonel Sahib means by a plough? When there is pain in any part of the hand people say that there is pain in the hand, but the doctors specify the particular part in the hand, such as finger, palm, nail etc. in which there is pain. Similarly it may be specified as to which part of the plough does he mean, because plough consists of different parts which in Punjabi are called 'Kud' 'Hal' 'Sanna' Hathi'. In the Punjab Dharek is light wood.

LALA HANS RAJ VAKIL: When I read this resolution I thought there would not be much discussion on it, because this is about an ordinary thing But now the discussion is being prolonged.

The fact is that when a zaminadar wants a plough he obtains wood for it on applying to the local officer. What objection can there be on the part of tne Government? I cannot understand why discussion on this resolution is being prolonged. If this state of affairs continues, it cannot be finished even in one day. Therefore, I support this resolution

RAI BAHADUR THAKUR KARTAR SINGHJI: Sir, if my learned friend would have submitted this resolution after due delibration, I in the capacity of a zamindar would have supported it. But in its existing form I shall have to oppose it. The mover has stated only two kinds of woods, 'Banj' 'and Khair' which are used for the manufacture of a plough. If the resolution is limited only to these two kinds of woods the result would be that thousands of villages will be deprived of the benefit, because there are many such villages where 'Banj' or 'Khair' is not found; only those villages will be benefited in whose vicinity there is 'Banj' and 'Khair' in forests. Only such resolutions should be placed before the House as are useful for zamindars.

LALA SHIV NATH NANDA: This wood is found in the vicinity of your village.

RAO BAHADUR THAKUR KARTAR SINGHJI: We can manage; but what is the proivsion for the poor? On the other hand, I have seen at Parmandal that ploughs are sold at eight annas each, in thousands. I also purchased eight ploughs last year. If this system, as proposed by Colonel Sahib, is introduced then the poor people who have got forests in their vicinity and manufacture ploughs to sell them will be deprived of this benefit and income. Unless the Colonel moves this resolution, after due consideration, I will not support it

S. ABDUL HAMID: Sir, first of all the point to which I

draw the attention of House, is that by reading the resolution one understands that the Colonel recommends that every zamindar be permitted to have one plough of this or that kind of wood (the details of which I will give afterwards from his neighbouring forests. But the form of the resolution in which it is moved does not mean this. He urges that the Government should supply a new plough to every zamindar at every harvest.

Plough is a thing by which the soil is tilled. It is made of wood and iron. Wood alone is not required for making a plough, but it is made of three elements. If the concession had been asked for cutting the Government wood and a recommendation made that the zamindars be permitted to cut wood from their neighbouring forests for making ploughs then the resolution would have made some sense. There is no Government factory in forests where the Government can manufacture ploughs, and distribute them among zamindars. The wording of the resolution is ambiguous. It is put down in the resolution that every zamindar be given one plough on every harvest free of cost. When one plough lasts for several years, I am at a loss to understand as to on what grounds my friend recommends that a plough should be supplied on every harvest. Generally we have got two harvests—Kharif and Rabi'. Sometimes there are four sowing seasons—one for cabbages, one for spinch, one for potatoes and one for cotton; and according to this resolution in every sowing season every zamindar will demand a plough. I do not understand as to where he will keep so many ploughs and how can Government supply so many ploughs.

RAO BAHADUR THAKUR KARTAR SINGH JI: They will prove helpful on Parmandal fair (Laughter).

SH. ABDUL HAMID: My friend has put down in his resolution the word 'Khir'. Perhaps he wants that the Government should distribute 'Khir' (preparation of milk and rice) among zamindars, on every harvest, free of cost. (Prolonged laughter).

This word ought to have been written with (ڑ) instead of (ڑ) as shown in the resolutibn. This ought to have been for the soil, but it is manifest from the resolution that he wants it for eating (Laughter).

There is another word 'Banj' in the resolution. 'Banj' means Bamboo. In Udhampure they call bamboo by the name of 'Banj' according to Dogri language, and in Punjabi it is called 'Wanj' (Laughter).

Such mistake is inevitable, on account of difference in langunges. Had there been the word tree, there would have been no ambiguity, and it could have been understood that my learned friend wants a tree and not 'Wanj' (Laughter).

There is a word 'Banj' and at another place the word 'Khair'

written in the resolution. I would submit respectfully that this resolution being a funny one, submitted simply for the sake of fun, is not acceptable. In the form in which it is submitted, it cannot be accepted. If it had been put in the form, that the zamindars may be granted wood for the construction of ploughs from the adjoining forests I would certainly have supported the resolution and would have welcomed it.

SH. MOHAMMED AMIN: Sir, my learned friend has recommended in his resolution that wood be given to a zamindar as much as he requires for a plough The discussion of those who opposed the resolution is merely about the wording of the resolution. The resolution means that the principle of giving wood to zamindars for a plough should be established. The mover has not written in his resolution that the zamindars be permitted to cut wood in the forest, themselves. He wants to establish a principle. Those who have opposed have admitted that if the resolution be drafted in such a way as to mean that wood be given to zamindars for ploughs by the Government they would support it. The Colonel wants that the Government should accept the principle, and then in whatever manner the Government like, they can distribute wood among zamindars for ploughs. This is not so important a resolution that so much time be wasted in this way. I support this resolution.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: Sir, we do not disagree with the principle underlying the resolution of the Colonel, because the Government at all times want to do their best to help the cultivator and the zamindar. There is a rule in the Forest Regulation that when a zamindar has necessity for wood he is allowed to cut it from the forest within three miles, for which he has to pay 1/16th of the market price, and those zamindars who are living five miles away from the forests have to pay half of the market price. I agree fully with the Colonel in rendering help to cultivators. The wording in which the resolution is moved do not give clear meaning. 'There are no 'Banj' or' Khair trees found in Kashmir. If you want that wood be given to cultivators, at a fixed time, in a suitable manner, the Government have got no objection.

A plough costs six or ten annas, therefore, it is not very difficult for a zamindar, who is able to pay two to four hundred rupees as land revenue, to spend such a trifling sum. Such concessions should be granted to poor cultivators. The zamindars, residing within three miles of the forest, have already secured sufficient concession.

Now remains the question regarding the zamindars who reside away from the forest at a distance more than three miles. This resolution worded as it is will be, really, of no use. I will

try to do what is useful for the poor zamindars. So, I hope you will withdraw this resolution.

A VOICE: Colonel Sahib ! withdraw this resolution.

COLONEL ABDUR RAHMAN KHAN: I think it is necessary for me to give expression to the sentiments that are lurking in my mind ?

LALA SHIV NATH NANDA: Are they agitating your mind ?

PANDIT LOK NATH SHARMA: These are sentiments.

SARDAR DHIAN SINGH: (Addressing Colonel Abdul Rahman Khan) Does this resolution pertain to the whole State ? Is Poonch also included in it ?

COLONEL ABDUL RAHMAN KHAN: I have not specified it for any particular place. The wording of my resolution is this :—

NOTE.—The Hon'ble member read out the resolution.

I have not written in this, that the concession should be granted in Kashmir and not in Jammu, or that it should be granted in Poonch and not at any other place, or that it should be in Udhampur, and not in Mirpur. What I have written is that every zamindar should be given wood for a plough from the neighbouring forests at every harvest. Sheikh Sahib can have a crop after every three months. He may be asked, how it is possible to have four crops within a year. Being an able man, and an advocate, how did he make such a statement ?

Yes perhaps he is living near Rehari, so he is justified. (Laughter).

In reply to the objection raised against the recommendation that a plough should be given at every harvest. I would submit that there is no plough which can be used for ten years, as affirmed by the objectors. There are many such ploughs which break within days and there are many others which last only for one day. This is better understood by zamindars alone. It may be enquired from them. None of those who are delivering speeches here have worked on a plough.

A VOICE. You must be doing.

COLONEL ABDUR RAHMAN KHAN: I have worked on a plough for two years before I was employed, and after retirement from service I have reaped 24 harvests.

PANDIT LOK NATH SHARMA: Out of these you have reaped six harvests here (in the house).

COLONEL ABDUR RAHMAN KHAN: I have been purchasing ploughs even before this.

MR. JAGAT RAM ARYAN: Were you purchasing the stolen ones ?

COLONEL ABDUR RAHMAN KHAN: No, thefts were not being committed in those days. They were being purchased from those who brought them in the market.

Sardar Hari Singh who has worked as a Tehsildar and a Settlement Commissioner has remarked well for a complete plough. I think by complete plough he means a plough equipped with bullocks and " Ramba " (Laughter).

Why should Sheikh Abdul Hamid not mention " Khir " as I have come to know that he acts as an " Imam " in his mohalla in the days of " Ashura ". This is the reason that the word " Khir " came to his mind (Laughter).

How did the Sheikh Sahib an experienced advocate, think of " Wanj "? This is bacause perhaps when he goes to cinema he takes " Wanj " with him, and when he returns the brings it to home (Laughter).

SH. ABDUL HAMID: Point of order Sir. My submission is that Col. Sahib should withdraw his words.

COL. ABDUL RAHMAN KHAN : Never.

SH. ABDUL HAMID : Sir, he is using objectionalbe words which I strongly resent. He should speak within the limits of the subject. It is not desirable that he should sometimes call me an "Imam" and sometimes say that I go to Cinema with a "Wanj". He should refrain himself from speaking such words, otherwise I too can say much, as I also have got a tongue in my mouth, and then he will come to senses.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : (addressing Col. Sahib) Confine your speech to the subject matter.

COL ABDUR RAHMAN KHAN : Since the Hon'ble Revenue Minister has given an assurance I therefore withdraw my resolution.

Mr. PRESIDENT (The Hon'ble Mr Justice K L. Kichlu): Gentlemen : Col. Sahib wants to withdraw his resolution. Those who are in favour of the withdrawal may please raise their hands.

(Hands were raised).

Those who are against the withdrawal may please raise now their hands.

(Hands were raised).

There is nobody against the withdrawal, so the permission for the withdrawal of the resolution is given.

Resolution No. 2 of Babu Ram Dass will now be placed before the House. The Assistant Secretary will read it out.

(NOTE—The Assistant Secretary read out the following resolution of Babu Ram Das)

"This Praja Sabha recommends to the Council that a Middle School be opened in Chenani."

BABU RAM DASS : Sir, in the beginning two Schools one in Sudh Mahadev and the other in Chenani proper were opened in Chenani by the Jammu and Kashmir Government. It may perhaps be said that since Chenani has got its separate budget, therefore provision for the expenditure of these schools should

be made in that budget.

The present proposal is made, because it is the State which provides for the present expenditure on education in Chenani. Keeping this in view, no education cess was charged in Chenani, at the time of regular settlement, as it is imposed in the State for the maintenance of schools. Besides the financial condition of Chenani is not such as to be held responsible for opening schools there, on its own expenses. In addition to this, the *Illaqa* of Poonch is under debt. It has not repaid its whole debt. When its debts will be repaid in full, it will consider the question of opening schools, on its own expenses. Under the present circumstances Chenani cannot provide for the expenditure of schools in its budget. It is therefore that a request is being made to the State for opening a middle school in the *Illaqa*. At present provision is made in the Chenani budget for granting scholarships to those who want to acquire middle school education outside Chenani. Two scholarships are given for sixth class, two for seventh class and two for eighth class. But this is not sufficient. There is a great need for middle education in the *Illaqa*. The State defrays the expenses of primary schools. Therefore it s requested that the expenses for middle schools also be provided by the State, and arrangement for opening a middle school be made.

S HARI SINGH: In supporting this resolution I would submit that Chenani proper is a small town. Chenani is a Jagir of the Raja Sahib. There are 28 villages in this Jagir. Chenani proper is situated in the centre of the *Illaqa* of Chenani. But neither in the town nor in its vicinity is there any Middle School. This is a suitable place for a Middle School. There is a very small number of middle schools in the district of Udhampur or Tehsil Udhampur. This deficiency is felt keenly. It is therefore necessary that a Middle School should be started. Since the financial condition of Chenani is not good, therefore this school should be opened at State expenses. With these words I support this Resolution.

PANDIT AMAR NATH KAK: Sir, we are not against the opening of a Middle school. But whenever the Chenani budget was placed before the House, the Hon'ble members generally complained that the Raja Sahib takes a big share out of the income for his own self and very little is spent on administration and other beneficient works. The Wazir Sahib who is the premier of that Jagir and is sitting here on Government benches, said that the financial condition of the *Illaqa* is not good. Since it is a jurisdictional Jagir, therefore it is its duty to bear the burden of the educational expenditure of the *Illaqa*. They should spend for this out of their own income. I am surprised to see that keeping intact his pay and the share that the Raja Sahib takes he requests the Government

of Jammu and Kashmir to provide money for this object and to throw the burden of expenditure on the State. This is unreasonable and unjust. If the Raja Sahib wants to open a middle school there, he can run it on grand scale with the income of the Jagir. If the Jagirdar wants to preserve his Jagir then he should bear such kind of expenses also. He should spend out of his own income, and not that he should throw the burden on the State.

LALA RAM LAL VAKIL: Ignoring the wording of the resolution the question that is being discussed is whether the Government or the *Illaqa* should bear the expenses. In reality this is not the question to be discussed. The question is whether a middle school be started in Chenani or not. At present the House is not concerned with, as to who is going to defray the expenses. That can be decided at the time of making budget estimates. The mover, while moving this resolution, tried to make it clear that there are heavy expenses. While supporting this resolution I would submit that in Chenani *Illaqa* where more than ten thousand people are living, there is no middle school. There are Primary Schools but they are not sufficient. In this House there is nobody who will deny that education is a precious ornament and everybody has got a right to be adorned with it. I hope therefore nobody will raise his voice against starting a middle school in this vast *Illaqa*. It is natural that we should have sympathy with them. The question as to who will bear the expenses is not under discussion, at present. With these works I conclude my speech in support of this resolution.

PANDIT LOK NATH SHARMA: Sir, it is two months since, nay not two, only one month, since we learnt that Chenani *Illaqa* does not spend anything on education. I suppose there is no man who was aware of this fact till to-day, and no necessity was felt for proving this. At the time of presenting their last budget we learnt that the constables and peons in Chenani are not given any salary. There is an instance of Thakur Guri Chand who works in the *Illaqa* but does not get any pay. He is a "Guzar Khar" similarly there are forest guards who work in return for their rations. Nobody can reject the demand that since there is no middle school in Chenani, one should be opened there. Every well-wisher of the State desires that every human-being of the State be literate. This is the foremost duty of the State, as well, to spread education so widely that there would remain nobody illiterate. Nobody will object to the opening of a middle school there.

But the question is when the Land revenue is realized from the people of that place and they have got good income from customs duty, forest and from other sources there is no reason for their not spending some portion of it on education for the people. Their argument is that the State has helped before, therefore they

should help them now, as well. In answer to this I would submit that if once the State has started two schools out of generosity, does it mean that the State will continue its help till the day of judgment, and that they should not spend a single pie out of their own pockets? It lies in their power to open schools. It is not known why the Wazir felt the necessity of moving this resolution. He can himself open a Middle school, a High School, and if he wants he can start a college there. If the Jagirdar of Chenani wants to start a Middle School he can do it. There is nothing to prevent him from it. There is no necessity of moving a resolution for that.

There is a proverb "Give him an inch and he will take an ell". First we started two schools now they ask for a Middle school and tomorrow they will ask for a High School. Chenani has got its own income It has got its own separate budget. They should adjust their budget themselves. It is their duty to provide for their own education, and for starting new school They should fulfil this duty. Can they not start a middle school with small expenses? The work can be run by three teachers. At the most they will have to spend five or six hundred rupees. The Wazir Sahib has made a mention of his helplessness, while saying that the financial condition of of the *Illaqa* is not good and that it is under debt. He should not have made a mention of this insolvency, even if this would have been a fact.

Raja Sahib can settle this question himself The House cannot decide it. With these words I oppose this resolution.

PANDIT JIA LAL KILAM : Babu Ram Dass has himself admitted that Chenani has got its own budget but the *Illaqa* cannot make any arrangement for opening a Middle School. The second point that he has submitted is that the finanical condition of the *Illaqa* is not good This is regrettable. If our whole sympathy is not with the Raja Sahib, yet it is necessarily with the people of that *Illaqa*. If their present financial condition is not such that they can open a middle school, Babu Sahib should make a little reduction in his pay and similarly if Raja Sahib has any sympathy for human beings he also should make some reduction in his princely income, so that they can be able to spend some money for this purpose. When the Raja Sahib does not want to spare anything, and the Wazir Sahib also does not want to give anything, then why should we give. Is this reasonable that they will take salaries themselves and appropriate a big portion of the income, while we should defray the expenses of education.

Babu Ram Dass had stated on the occasion of presenting

fbudget before the House that ration is given there in return aor services. It is strange that the Raja Sahib should appropriate major portion of the income and get services from the people in return for rations. It is also stated that if they would not give rations to Guri Chand or to any other person it is possible that they cannot get peons and guards. Consequently they will have to demand of us for their provision.

The third point that has been stated in support of opening a middle school, is that since we had started two schools there already, we should open a middle school as well. Of course it is our mistake that we have opened two schools there. It is expected that our intelligent Hon'ble Minister for Education will stop these two schools. Having regard for human sympathy we had started these two schools for teaching the people their duty to human-beings. Now undue advantage is being taken of this human sympathy. Instead of helping themselves they expect help from us for ever, because once we had taken the responsibilty of doing this Since they are to be given a lesson and shown a way to progress, it is better that the existing two schools be removed, so that their irresponsible way of doing things will come to an end.

Babu Sahib, while describing the internal condition of Chenani, stated that they are under debt, with the result that they cannot open schools. But the fact is that they want to keep their income untouched, and want us to start schools. It is their duty, as our Government has got, to be of self help in their territorial jurisdiction. These *Illaqas* are relics of ancient feudal order and not merely assignees of land revenue. Had they been merely assignees of land revenue, Government would have necessarily helped them But when they want to establish territorial jurisdiction it is incumbent on them to have regard for the welfare of their people.

PANDIT RAM CHAND DOBEY: I would simply like to state that the persons who opposed the motion did not take the actual facts into account. We have to see the number of villages in Tehsil Udhampur which are situated adjacent to Chenani *Illaqa*. Even so we have to see the number of villages lying between Batote and Ramban There is no middle school either in Ramban or Udhampur. Probably those Hon'ble members who spoke against the motion forgot the facts of the case or were not acquainted with facts. There are twenty-eight villages in Chenani and a good many more which belong to the State. But in all this *Illaqa* there is only one Upper Primary School situated in Batote where should the students of the villages lying lower down Batote and Landhar go to receive middle education ?

PANDIT LOK NATH SHARMA : To Batote.

PANDIT RAM CHAND DOBEY : We will feel obliged to you if you will open a middle school there. But there is no middle school at present and it is very necessary that a middle school should be opened there The next question is who should provide for the expenses the Government or the Ilaqadar Chenani. Well, this point can be settled when the budget is under discussion. Therefore, I support the Resolution.

SARDAR DHIAN SINGH : I want to submit that in none of the speeches which have been made in favour of or against the resolution has the advisability of opening a school there been denied. The only qusetion is who should pay the expenses—Kashmir State or *Illaqa* Chenani.

In this connection I would like to point out that when the Wazir Chenani first applied for permission to open a middle school in Chenani, it was refused and, as for grant of aid it was stated that an application may be made and, if possible, the grant will be sanctioned. When Chenani was only a Jagir the Government helped it, and now that the status of Chenani Jagir has been raised and it is subject to the same laws as are prevailing in the State there appears no reason why aid should not be granted to the Jagir for opening the school now. After all there were some grounds for granting aid for the opening of two primary schools. On the strength of the same grounds the present demand for a middle school is justifiable. Are not the people of Chenani subjects of His Highness Maharaja Bahadur. If it is so then, there appears no reason why should these people be denied those privileges which are enjoyed by others. Arrangements must be made for the opening of a middle school there so that the people of that place should be able to receive middle education. Besides, I would submit that there seems no reason why should not one of the two primary schools, which are situated there, be raised to the status of a middle school. I submit that it is an important duty of the Government and the present application merits consideration.

SH. ABDUL HAMID : Sir, there is not the slightest doubt that the inhabitants of Chenani have a right to express a desire that a middle or high school be opened for them. It is instructive for man to desire that he should avail himself of the blessings of education. But the question is, if a middle school is opened in Chenani then who should bear its expense the Jagirdar or the State Although there is no mention about this in the Resolution the mover stated in his speech that the expenditure should be borne by the State My worthy friend Lala Ram Lal also supported the resolution and observed that the chief aim of all such resolutions generally, is that the State should bear their burden. The question before us, then, is whether it would be proper to

open a school in Chenani and weigh the State with its expense or whether it would be advisable to open a middle school in the *Illaqa* lying between Udhampur and Ramban. My worthy friend had better known that if the onus of opening a school falls upon the State, it should start the school preferably at Batote where the boys belonging to the State can have easy access. I think if the school is started in Chenani, then, the boys of the State coming from different *Illaqas* will not be given any preference there. If you must open the school, then why not open it at Batote.

The other point, and which is an important one, is that if the State opens a school now at Chenani and bears its expenses, then, not long after, the people belonging to Poonch would demand for the opening of a College in their *Illaqa*. Therefore, I submit that this House is not competent to accord sanction for the opening of a middle school in Chenani. The arguments which have been advanced by the Wazir are that so long as they do not pay off their debt the Kashmir State should bear the expenditure. I submit that we can increase or decrease our expenses at will. If we spend beyond our means the necessary consequence is that we run into debt but the remedy too lies with us. There is a saying "Cut your coat according to your cloth". During recent times Raja Sahib is having quite decent income. He has sufficiently strengthened his financial position by reclaiming land, so much so that the poor people are complaining that there is no land left for them to reclaim. When the income is sufficient Sri Raja Sahib can himself bear the expenses of a Middle School. He should spend somewhat for the uplift of the people also. Therefore this resolution cannot be passed in the House and in my opinion the House is not competent even to consider this resolution.

LALA HANS RAJ: Sir, when I went to Chenani in 1978 the people of that place complained that Sri Raja Sahib did not want to give education to their boys. When I asked them why it was so, they told me that Sri Raja Sahib says that if the boys are educated they will develop *Satanic* tendencies. I said that education to-day is necessary all the world over. "Knowledge is wisdom and I said, it is an accepted fact that an illiterate person cannot even know God. We hear scores of complaints on behalf of the inhabitants of the place that a Middle School should be opened there. The boys want to read further and can also open a "Bramcharai Ashram" because Chenani has a very bracing climate.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Just at present we are concerned with the question of the opening of a Middle School

L. HANS RAJ: I submit that Sri Raja Sahib has sufficient income and has enhanced it considerably by acquiring land in Kud.

Why should not he be asked by the Government to open a middle school there. The Jagir is after all subordinate to the State and it is the duty of the State to confer the blessing of education on the people.

S KANAYA SINGH: Sir, several Hon'ble members have expressed their opinion on the resolution put before the House by Babu Sahib. My submission is why should not the Raja Sahib make some reduction in his expenditure and raise one of those primary schools to the middle standard. Is not it a matter for regret that such a big Jagirdar cannot open a middle school. I wish that Sri Raja Sahib was to devote some attention to the opening of not only a middle school but a boarding house also so that the boys may be able to get all facilities for acquiring education. It is a matter for regret that the Wazir Chenani should request the State to open a middle school in the *Illaqa* of Chenani. The Wazir should draw the attention of Raja Sahib to the question of the amelioration of people so that it may be possible for them to give education to their children.

BABU RAM DASS: Sir, I know now the trend of general opinion in the House regarding my resolution, and the way the Hon'ble members will vote for it. Before I withdraw my resolution I want to remove the misunderstanding that has arisen in the mind of some people

(Voices) You may simply take back your resolution.

B. RAM DASS: I only want to remove the misunderstanding.

MR. JIA LAL KRLAM: (Original) point of order, Sir, Press is for that purpose. Platform is for that purpose If there are some special circumstances for that, he may sue us in the Court of Law but here he cannot raise any question.

MR. M. A. BEG: Especially when the member has shown tendency to withdraw.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): - What do you want? Do you want to withdraw the resolution or not?

B. RAM DASS: Of course, I will withdraw the resolution but I want to remove she misunderstanding which has arisen in the House.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): He wants permission to withdraw his resolution. Those in favour of granting permission may please raise hands.

(Hands were raised).

Those who are opposed to the withdrawal of the resolution may please raise hands.

(Some members raised hands).

As the majority is in favour of granting permission for the withdrawal of the resolution, permission is given.

MR. M. A. BEG.: Congratulations Babu Ram Dass.
L. RAM LAL: I claim division, Sir.
The House divided as under :—

AYES ... 38.

1. Dewan Bahadur N. Gopala Sawami Ayyangar.
2. Major General Nawab Khusru Jang.
3. Sir Lal Gopal Mukerji.
4. Sahibzada Sir Abdussamad Khan.
5. Rai Bahadur Pandit R. C. Kak.
6. K. B. Raja Mohammed Afzal Khan.
7. Pandit Ram Nath Sharma.
8. Kh. Ghulam Ahmed Ashai.
9. Wazir Feroz Chand
10. Mr. Abul Hassan.
11. Rai Bahadur Pandit A. N. Purbi.
12. Babu Ram Dass.
13. Rao Bahadur Thakur Kartar Singhji.
14. K. B. Thakur Aga Syed Hussain.
15. Wazir Tej Ram.
16. Rai Ghulam Hussain.
17. Pandit Sham Sunder Lal Dar.
18. Col. Sansar Singhji.
19. Sardar Mal Singh.
20. Sh. Abdul Hamid.
21. Pandit Ram Chandra Razdan.
22. K. S. Mirza Ghulam Mustafa.
23. Major Thakur Prem Singhji
24. Risaldar Major Thakur Sadhu Singhji.
25. Ch. Abbas Ali.
26. Munshi Assadullah.
27. Col. Abdur Rahman.

NOES ... 23.

1. Pandit Lok Nath Sharma.
2. Kh Ghulam Mohammed Sadiq.
3. Mirza M. A. Beg.
4. Mian Ahmed Yar.
5. Subedar Khan Mohammed Khan.
6. Haji Ahamadullah Shah-dad
7. Kh. Ali Mohammed.
8. Mian Qurban Ahmed.
9. Sh. Mohammed Amin.
10. K. Ghulam Hussain Malik
11. Kh Saif-ud-Din Shah
12. Kh. Akbar Dar.
13. Sardar Dhian Singh.
14. Sardar Hari Singh.
15. L. Amar Nath Kohli.
16 L. Hans Raj.
17. Sultan Feroz-ud-Din Khan.
18. Wazir Ganga Ram.
19. Pandit Ram Chand Dobey
20. Mr. Jagat Ram Aryan.
21. B. Moti Ram.
22. L. Lajpat Rai.
23. Mr. Wazir Mohammed Khan.

AYES ... 38.

28. Kh. Ghulam Mohi-ud-Din.
29. Ch Abdul Karim.
30. Pandit Jai Lal Kilam.
31. Pandit Amar Nath Kak.
32. Pandit Govind Ram Kabu.
33. Sardar Dhian Singh.
34. L. Shiv Nath Nanda.
35. Kh. Safder Ali.
36. Kh. Abdur Rahim Bande.
37. Yabgo Iftikhar Ali
38. Mr Wajid Ali Shah.

MR PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : 38 members are in favour of permission being granted to withdraw the resolution and 23 are against it. Therefore permission is granted for the withdrawal of the Resolution.

(The Resolution was withdrawn with the permission of the House.)

MR. PRESIDENT (The Hon'ble Mr. Justice K L. Kichlu) : The Assistant Secretary will now read out the 3rd resolution.

NOTE : The Assistant Secretary read out the following resolution of Mian Ahmed Yar : -

"This Praja Sabha recommends to the Council that export duty be remitted on agricultural produce."

MIAN AHMED YAR : Sir, in my resolution which has now been put before the House, I have proposed the remission of duty which is realized from the export of agricultural produce. The wordings of my resolution are :—

"This Praja Sabha recommends to the Council that export duty on agricultural produce may be remitted."

Sir, this matter was also considered by the Unemployment Commission at the time of its enquiry. It was found as a result of inquiry that this is a predominantly agricultural country and agriculture is the chief means of livelihood of the majority of the population.

On page 31 sentence No 100 it is stated in the report :—

"It must be admitted that the collection of export duty on agricultural produce leaving the State has an important bearing on the ability of the grower of such produce to find a profitable market. We have seen a note submitted to His Highness' Government in this connection by the President Jammu and Kashmir Marketing Board with which we are in substantial agreement. It is a question of money and we fully appreciate that if sources of revenue are closed down it becomes increasingly difficult

to finance the administration of the State and to provide money for the beneficient services. We must qualify our agreement with the proposal to abolish export duties on agricultural produce with the remark that His Highness' Government should do what is possible in this direction and that if abolition is not possible on financial or other grounds the greatest possible reduction in the duties should be made in the shortest possible time. In the case of Ghee care should be taken that the removal of duty does not lead to adulteration."

Sir, this commission admitted and the Marketing Board of the State also drew the attention of the Government to this fact that the agriculturists suffer heavily on account of the export duty on agricultural produce. India too is a vast agricultural country, is exporting its agricultural produce into the State and is competing the local market. In spite of the fact that the State is rich in agricultural produce the condition of the peasantry here is extremely deplorable. The poor zamindar who is an important part of the State machinery is labouring hard for the betterment of the State. Therefore it is necessary that facilities be provided to him to realize proper value for his agricultural produce. But it is to be regretted that the Government is not at all striving for the uplift of the rural population so that the lot of the zamindar may be improved and some subisdy may be granted to him during the time he is out of employment so that he may be able to keep himself engaged or get better value for his produce. When the Government has to fill its coffers with the money realized from the poor zamindars it becomes the Government that it should also in its turn help the zamindar. The Government should remit the duty which it realizes from the export of agricultural produce so as to enable the zamindar to realize adequate return for his labours. Therefore it is necessary that duty should be permanently abolished on the export of fruit, hides, ghee, potatoes and sheep wool because the present remission of duty on the export of these products is only a temporary measure, while the export of Kashmir paddy can be restricted whenever necessary. There should be no duty on the export of goods which are produced in larger quantities than are necessary for local consumption. There should be absolutely no duty on the export of such goods so that the poor peasants may be in a position to provide for the necessaries of life, clothes and salt etc. for his wife and children. Here the zamindar has to pay heavy export duty even on such goods as *Bar*, eggs etc., and thus no margin is left for him to earn any profits

It has been stated in para 107 page 133 of the Unemployment Commission Report....."The cultivation of cash crops is to be encouraged in every possible way; it is, however, necessary

to provide improved maketing facilities. A zamindar will not grow cash crops if his marketing facilities are so poor that he cannot market his produce at a profit. In this connection there is an opportunity for the Co-operative Department to organize Co-operative Sale Societies."

The commission has also emphasized the point that marketing facilities should be provided to the zamindars. Therefore the peasants will be helped to a certain extent by the abolition of export duty. It is impossible to suppose that there is sufficient market in the State for all its agricultural produce. Therefore it is necessary that facilities be provided for the export of such produce to enable the zamindars to realize that really the Government is prepared to do something for the zamindar and is not looking forward to an opportunity to withdraw some useful Bill soon after introducing it in the House.

(Cheers from the Conference Party).

Since this resolution aims at removing one of the very great disabilities of the zamindars, therefore it may please be passed.

PANDIT RAM CHAND DOBEY: Sir, I want to submit that there are certain articles which are sold very cheap in the State.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Are you speaking in favour of the motion ?

PANDIT RAM CHAND DOBEY: Yes Sir, I will speak in favour of the Resolution.

The agricultural produce in the State is so large that unless it is allowed to be exported to the Punjab, it will rot in the State In view of these circumstances, the attention of the Government. has repeatedly been drawn to this matter and on different occasions export duty has been remitted temporarily. But so far the export duty has not been permanently abolished. There are so many articles which can be exported but they are subject to excessive export duty. *Amla, Bhaira*, Lemons and several other articles could be exported from this place. For example local mangoes are so cheap that they are sold at the rate of one hundred per one anna. The same is sold in the Punjab at somewhat dearer rates but it is subject to an export duty of -/8/- per maund. Therefore it is very necessary that our agricultural produce should be exempt from export duty. With these words I support the resolution.

SH. ABDUL HAMID: Sir, there is no denying the fact that there are several tehsils in the State where the agricultural produce is so great that all of it cannot be consumed in the State. If the produce which is left over after local sale is to be exported, then, the freight and customs charges are so heavy that it is difficult to bear them and sometimes the seller finds it impossible to pay them off. This is no secret from you,

Sir, that it is for this very reason that the export of agricultural produce from Petrol, Kathua and Ranbir Singhpura is temporarily exempt from duty. It is wrong to apprehend that by the permanent exemption of agricultural produce from duty the Government will stand to lose. In the first place the zamindars do not export large quantities of agricultural produce during this period and secondly the outsiders think that these zamindars can export their produce to our market only for this limited period. Therefore, they do not pay them reasonable prices. And this means a great loss to the zamindars In Kashmir also at times the produce of paddy is greater than is necessary for local consumption.

PANDIT LOK NATH SHARMA: But no duty is charged on the export of paddy.

PANDIT AMAR NATH KAK: It is exempt even from payment of road toll.

SH. ABDUL HAMID: What I mean is that paddy is grown in plenty in Kashmir. That is just an example. What I mean is that zamindars should be given the opportunity to export their excess produce whenever necessary. Probably it will be pleaded on behalf of the Government that it is not possible to grant this exemption permanently. But this fact is also known to all that there are many *Illaqas* in the State such as Kishtwar and Bhadrwah where the means of communication and transport have not been fully developed. Under the present circumstances it is impossible for the people of that place to export their produce. Your honour may be aware that the better variety of produce which is imported from outside is subject to duty and the zamindars have to suffer heavey losses as they are unable to get full price for their produce. Very often the zamindars have to sell off their cattle belongings in order to be able to pay off land revenue. He has to run into debt and sell his produce at cheaper rates. Under these circumstances it seems necessary that this resolution may be passed. This fact may be also clear to you that the rate of land revenue in newly settled areas is very high. The potatoes are grown in such abundance there that the zamindars can profit immeasurably from their export but there is a check on the export of potatoes. The consumption of potatoes in the Jammu city in not very great, therefore, quite a large quantity of it has to rot and the rest of it has to be sold at very low price so much so, that it is not possible even to realize the value of the contract. If the same contract was leased out for Rs. 1500 before, now it is worth only Rs. 500 or Rs. 700. if this restriction is removed, then the zamindars can be helped to a very considerable extent. This will help both the owners and

the cultivators and the Government also will not lose very much because the present export duty on potatoes is so high that they are not at all exported. The inhabitants of Jammu also will considerably profit by the remission of this duty. This can enable them to provide for themselves the comforts of life. With these words, I support the resolution and hope that the House will pass it.

CHOUDHRI ABDULLA KHAN: Sir, I want to make a brief speech in support of this resolution. The export duty on agricultural produce is so heavy and injurious that the people are in reality being badly pinched and squeezed. On the other hand the Government is not making much profit by this duty. In this connection I would like to submit that there are a large variety of grains such as wheat, barley etc. the export of which is altogether prohibited. There are other grains also which cannot be exported without paying duty on them. Besides there are other varieties of grains which the people are compelled to sell at very low prices because the customs duty is so high that it is not possible to export them to outside markets. The people are forced either to auction such grains locally or send them for sale, to the outside markets because, unless, they resort to any of these two methods they cannot pay off revenne to the Government. While the Government does not gain by this restriction it is doing great harm to the people so much so that they have been completely ruined. The zamindars are running deep into debt and their condition is growing from bad to wrose day by day.

I submit that the export of wheat is prohibited in the State. Wheat is the chief produce of the zamindar and the realization of the revenue also depends upon the sale of wheat. But since the Government has put restrictions on the export of wheat, therefore the people are obliged to sell it at Jammu. It would be as if they take wheat to the market just to sell it by auction. The condition of the zamindars is getting worse day by day, so much so, that they cannot pay off the revenue to the Government. But on the other hand the Government is getting so strict in the realization of revenue that it has made the life of the poor zamindars well-nigh impossible.

I want to point out that the condition of the zamindars has become so bad now that they have to sell their cattle and trees to pay off land revenue. The zamindar can sell off his produce in the outside markets at much better prices but they cannot do so on account of the restrictions on the export of the agricultural produce. The Government should have, in the interests of the zamindars and in order to realize revenue, provided markets for his produce. On the contrary the zamindar is not allowed to find market even

for himself. I dare say that the zamindars have become so destitute that they have now to sell off even their daughters

VOICES. Shame shame :

I have already submitted that while the Government does not stand to gain very much thereby it has become a positive source of danger for the zamindars of the State, rather it is a deadly poison for them. Therefore, confining myself to this brief speech, I want to state that subjecting 33 lacs of the population to such hardships is doing them grave injustice. Rather the prestige of the Government lies in this that it should remove the hardships of the zamindars and should grant them permission to export their agricultural produce. The Government is already realizing tax on this produce in one form or the other. If the Government claims that it is doing everything for the good people it should give practical proof of the same. With these words I support the resolution

SH. MOHAMMED AMIN : Sir I want to say in support of the resolution, that there are principles both for export and import which are followed in all parts of the world. What are these principles ? They are that any country which wants to encourage its produce should encourage export and discourage imports. On the contrary our State does not want to follow this. Every country of the world is endeavouring to provide all possible facilities for disposing off its agricultural produce. This is not only conducive to the uplift of the people but it also facilitates the realization of revenue and the people also do not feel the burden It is with this very fact in view that the State has raised tariff. What is the total produce in the State, what is its market value and to what rate of duty should it be subject are questions which nobody considers. It is for this very reason that very excessive duty has been imposed. This is doing grave injustice to the people and is on no account justifiable. Sir, I will now cite a few instances which will show, rather astonish you how very high duty is charged on commodities which do not have a very large produce. Here is just an instance. As has been pointed out by Mr. Dobey there are certain articles which are sold at Rs. -/8/- per maund but are subject to a duty of -/8/- also. Take the case of Jammu. We have *Ber* here which are found in plenty in the forests. If we wanted to purchase *Ber* outside the State we will get it at three to four annas a seer. If after paying this duty the Ber are exported they will not sell there because in the first place they are subject to a duty of annas eight per maund and secondly if a little profit is added to it, it should sell at rupee one per maund. But this cannot be. Will a customer purchase *Ber* at a rupee per maund when they can be had at four annas a maund. Now take the case of sugar cane. It grows in such abundance in the State

that a sugar industry can be started here. If the local zamindars are granted facilities for its growth, then there are very great possibilities of its development. But the Government has put heavy duty even here. If it were not so a sugar industry could be started here. In other parts of India where there are sugar mills such as at Gujaranwala and other places, the duty is only three annas and nine pies per maund. Here the export duty is eight annas per maund When the export duty on sugar is so high the sugar cane of the State cannot be sold outside There are possibilities for the growth of sugar cane in tehsil Ranbir Singhpura provided attention is devoted to this matter and export duty is reduced And it is because of this customs duty that sugar cane does not sell outside. During the last two years the income from the export of sugar cane has been barely seventy rupees. This clearly shows that the produce of the State does not sell outside because of heavy export duty Similarly sugar cane is grown in plenty in Deva Batala also but it is not consumed in the State. It will appear from a perusal of the customs schedule that very high duty has been imposed on even minor agricultural produce. The Customs Department regards such produce under the head "dry fruits". Almonds are subject to an export duty of Rs. 2 per maund although such a heavy duty is not at all justifiable Other fruits has been subject to a duty of annas eight per maund. Take the case of potatoes. Mr. Dobey also mentioned about it. Patatoes have been subjected to an export duty of annas eight per maund in spite of the fact that this duty is so high that it is absolutely unbearable.

It is an accepted principle that all possible facilities be provided for the sale of fruits because they cannot last for long and may rot any time. In other countries considerable facilities have been provided for the transport of fruit and even the Railway grants many concessions; so much so that they charge half rates for fruit. The North Western Railway has gone so far as to charge one-sixth freight and in some cases even one-eighth in case of fruits. One of the very serious drawbacks in our State is that there is no satisfactroy arrangement for transport in the State. We have lorry traffic here which is the sole means of transport. The freight charges are also higher in the State and as a result our fruit cannot compete with the outside fruit. This is why very little of our fruit is exported to outside places Outside markets are abundantly supplied with fruit from different countries so much so that quite a good deal is exported by Japan; the chief reason being that in the first place there is absulotely no duty and if there is any it must be very nominal. If a box of apples is exported from the State, then, first we have to pay Rs. 1/4/- for freight from Srinagar to

Rawalpindi a distance of about two hundred miles. Agains t this, if this very box is to be sent from Rawalpindi to Delhi a distance of about 500 miles then the railway freight that has to be paid is only nine annas and a half. How regretable it is that we have to pay Rs. 1/4/- for only two hundred miles when we have to pay only -/9/6 for five hundred miles. It is such a serious drawback that it will never allow an opportunity to our produce to compete with outside produce. The trade of the world to day largely depends upon free export and facilities for transport. But here the conditions prevailing are such that our trade is languishing day by day. Potatoes are grown quite in abundance in Sialkot but in spite of that there is great demand for potatoes there. In Jammu the potatoes are subject to an export duty of annas eight per maund. Under these circumstances no trader can export potatoes because they are sold much cheaper in Sialkot. Even so Ghee is subject to an export duty of annas four per maund. The duty is admittedly too high but it can be said in favour of this duty that if it is altogether removed, then, it will not be possible for us to get pure Ghee. Regarding this I would submit that manufacture of artificial Ghee is punishable under law. Since manufacture of artificial Ghee is prohibited, if anybody trades in artificial ghee he can be punished. We need entertain no such fears by the abolition of this duty.

The Government should endeavour to provide all possible facilities for the marketing of the produce of the poor zamindars. No such restrictions should be imposed as would put the zamindar to hardships. On the one hand the rate of revenue is very high; on the other there are other such restrictions on account of which the zamindar is badly pinched and sqeezed. Possibly the Hon'ble members of the House remember that at one time Australia glutted the Indian Market so much with its wheat that there was no market left for the local producer. The zamindars had to suffer heavy losses; the British Government was much perturbed. A meeting was called in Karachi and it was passed that the foreign export of wheat should be discouraged, and local produce should be encouraged. The means adopted for affecting the proposal were raising the freight excessively on the Australian wheat so that it should fail to compete in the market. Besides the railway freight on Indian wheat was so much reduced that it was possible for Indian wheat to compete with the outside wheat. This naturally put an end to the import of out-side wheat and local wheat began to sell again. And as a result the condition of the zamindar began to improve. Similarly let us take the case of raw hides and skins. They are subjected to an export duty of annas two per maund. So

far as I know in India excepting jute no other commodity is subject to export duty. Under such circumstances is it justifiable to impose duty on any such articles I will submit that no duty is imposed on raw skins and hides but rather premium of one per cent. is given to such importers. Even the Government of Japan, keeping in view the demands of the country, encourages export and discourages import But here the export is discouraged The Japan Government has its own steamers whereby they can send their produce to the different parts of the country That is why Japan is making great improvement day by day. On the side of export the freight for goods is only one over eight while the import of goods is altogether banned. The Kashmir fruit used to be largely exported to other parts of India so much so that it was exported to such distant places as Madras Calcutta and Bombay. Now Australia and Japan have adopted such a policy whereby it is possible for them to sell a box of apples in India for rupee one and annas ten. So much has to be spent on the Kashmir fruit that it cannot be sold at less than Rs. 5/10/- per box. Here I will submit that apples are of many varieties but one uniform duty is charged for them. It is to be regretted that nothing is being done to encourage agricultural produce, nor are any marketing facilities being provided to the agriculturists. With these few words I support the resolution.

HAJI AHAMADULLAH SHAHDAD: Sir, I want to say this in support of the resolution moved by Mian Ahmed Yar. Of all the professions in the world there is only one which helps mankind to lead a life of honour and self -respect. That profession is of trade. All the great powers on this Earth are making frantic efforts for encouraging their trade because so long as the economic basis of life of a people is not sound the people of that place cannot lead a life of peace and contentment, nor can the Government of the place ever hope to fill its coffers, On the other hand such Governments become weak day by day. It is for this reason that all the civilized Governments are endeavouring to improve their trade. Just see what obstacles are being put in the way of Japan and America by imposing heavy duties on their goods. But in spite of all that, the Japanese and the Americans are supplying their goods at much cheaper rates to different countries. I invite your attention to the extent of goods such as silk, silver carpets, hides etc which are imported into India from Chinese Turkistan. The import is worth, not lakhs but crores of rupees. But in order to encourage trade no import duty is charged on these goods. How can the traders of the State make any progress when the State has imposed such heavy duties and the commodities become so dear. If the zamindar brings his agricultural or non-agricultural produce

such as wool etc. into the precincts he will have to pay an Octroi duty of annas 12 per maund and an export duty of Rs. 5 per maund. Now how can this be possible that during the present days of economic depression the State goods should sell in the rest of India. Comparatively speaking our trade is very backward. Since all the cities of India have been linked up with the railway the goods can be transported from one place to another with very great ease and at much less cost. But in our State there are neither good roads, nor railway nor is there any adequate arrangements for means of communication, nor facilities for trade. That is the reason why the Indian traders do not get full value for their goods agricultural and non-agricultural such as raw wool etc. which they export to England and America. It is for these very reasons that the zamindar does not get a suitable market for his agricultural and non agricultural produce and he is running deep into debt and his condition is getting from bad to worse. Although the zamindar deserves our respect and admiration, he is being squeezed to death

Sir, the imposition of export duty is necessary for the following two reasons. Firstly, the export duty will reduce the export from the State and the goods shall be made available in plenty in the State so that the people should be happy and contented Is it justice to impose such duty when it is injurious to the interests of the zamindars. By imposing such restrictions the import from foreign countries into the State are ever on the increase with the result that the zamindars have to suffer heavy losses. It shall be in the interests of zamindars and the trade of the State if the agricultural and non-agricultural produce of the State such as wool etc. is exempted from export duty so that the traders of the State will find it worth while to encourage local trade.

Even last year I moved a resolution for remission of export duty. But before any voting was taken, Hon'ble the Finance Minister Thakur Kartar Singh Ji gave an assurance that on reaching Srinagar he would recommend for the exemption of some articles from export duty and would reduce it in case of others after sympathetic consideration. But no limit was prescribed for the period for which this matter will remain under consideration. Although he remembered about it even at Srinagar but nothing came out of it. Under these circumstances I strongly support the resolution.

LALA SHIV NATH NANDA : Sir, it is a difficult subject on which the resolution has been moved. My learned friends imagine that the passing of this resolution will further the interests of the zamindars. But I will submit that probably the Hon'ble members, who are zamindars, are not familiar with trade conditions. It is said that if rice, potatoes, ghee are exempted from

export duty then in the first place we shall have to find a market for our goods. I want to ask the members who belong to Srinagar that if wheat is exempted from duty where will they sell it. At present people in Srinagar are earning lakhs of rupees as commission and all this is enjoyed on the import from the Punjab. It is a principle of trade that if a cheap commodity is sold in a market where it dose not fetch high price, then the profit will be very low. You know that lakhs of rupees are earned on account of commission on the export of the State. If Customs duty is remitted on agricultural produce, then, we should not hope for any profits. Regarding fruit I will submit that all my friends know that the traders do make some profits at least. If I purchase a box of fruit for five rupees I will certainly sell it for six because I also want to earn something. If the Government charges duty what is that to you. The pockets of the outsiders are drained and the money flows into the hands of the zamindars. You make sufficient profits by selling your fruit in the outside markets.

SH. MOHAMMED AMIN : Is it sold there or is it put merely to auction ?

L. SHIV NATH NANDA : Well, you might say that the fruit which is exported from the State is auctioned there. For example if a trader purchases two hundred boxes of fruit, he keeps them in stock and watches the fluctuations of the market rate and when the market value of that fruit rises he at once sells his boxes—puts them to auction. You sell a box of fruit here, for Rs. 4 per maund but the same box of fruit is sold for rupees ten in Rawalpindi and how does that harm you. You wanted to know why is wool subjected to export duty. Wool is exported to the value of thousands of rupees. Mr. Purbi will say what amount is realized on account of export duty. I would rather say that the export duty may be enhanced in case of wool so that cottage industries may be encouraged and those who prepare 'loies' may be able to get better profits. Wool is sold for example at the rate of five seers to two rupees. If the prices go up the cottage industries will be helped because you have a sure market for these 'loies' in the Punjab and other places.

MR. M. A. BEG : Is wool an agricultural product ?

L SHIV NATH NANDA : When some of my learned friends included wool amongst the agricultral products I also did the same. Regardinng Ghee, I would submit that the Government charges Rs 6/- per maund as export duty but still it is exported in large quantities and is sold at much higher prices. Since pure ghee is not available in outside markets our ghee is preferred there. If the Government charges Rs. 6/- per maund as export duty it is not you who have to pay this amount. This is all the money of outsiders. The more you can export (I mean the zamindars)

the more will you profit. It is said that the zamindars are "Baichera" *i. e.* "poor and humble". Is Thakur Sahib also, who is a zamindar, "Baichera"? Whenever there is a reference to the zamindars their name is prefixed with the word "Baichera". If the Colonel had in his resolution (which was taken up for discussion last year) recommended for grant of wood to even those who do not plough the land, then, surely I would have supported it. The Minister concerned also stated that we are prepared to do our very best for the zamindars. But I will submit that it is not the zamindars who are "poor" but it is we who are 'poor", it is we for whom you do nothing. The resolution should be such as would help all not one would only help the zamindars. In my opinion export duty is a profitable duty. The Hon'ble mover has not looked deeply into the matter. If he were to look carefully into the matter he would know what harm it would do if the export duty is altogether exempted The Government should not take any action in this matter and I think it would be much better if the Hon'ble member withdraws this resolution.

COL. ABDUR RAHMAN: Sir, I would not have got up to speak had not Mr. Nanda pointed out that I had not included the word "non-agriculturist" in my resolution. This means he agrees with the resolution of Mian Sahib but there are some articles such as 'Amal Tas", "Amlas" "Ber" "Sugar Cane" "Cakoi", "Trimbal" "Akhrai" on which the duty is really very high. It is necessary that those articles be exported. As regards Ghee, I would submit that Government should think about it. Even the Unemployment Commission referred to the matter in its report lest the citizens of Jammu have to use vegetable ghee. Admittedly it is the common opinion of the House and every one is desirous of granting concessions to the zamindars. While speaking in support of my last resolution, I did not use the word "agiculturists'. Perhaps Mr. Nanda misunderstood me. The non-agriculturists are all our brothers and therefore if they have to suffer, we really sympathize with them provided they do not charge any interest. Anyway, I will submit about Ghee that before it is exempted from duty the Government should see whether the abolition of duty on Ghee would not create some difficulty. And as regards other articles I agree with Mian Sahib.

MR. GHULAM MOHAMMED SADIQ: Sir, under Rule 30 clause (1) I move that the question be closed after Government's reply.

THE HON'BLE SAHIBZADA SIR ABDUSAMAD KHAN: In view of the fact that the Tariff board was appointed at the recommendation of the Praja Sabha, such proposals as are contained in this resolution could be placed before the Board where they

could be considered from all aspects. It is rather difficult to decide this matter in such a large body as the Praja Sabha. Only recently the Government have taken definite steps for the uplift of the country a sufficient reduction has been made in Road Toll. No duty is now charged on the export of paddy, Sugar-cane is also exempt from export duty.

The Tariff Advisory Board has recently looked into the matter contained in the Resolution, and its recommendations are with the Government for consideration The Government has not finally decided the matter and therefore it is necessary that the view of the government should be stated on the Resolution. As the Government is not prepared to accept the resolution in the manner it has been worded, it would be desirable that the Hon'ble member should withdraw his resolution.

MR. M. A. BEG: You tell me how should the resolution be worded.

PANDIT LOK NATH SHARMA: He has not started a school that he should say how the resolution is to be worded.

MIAN AHMED YAR: We do not feel the necessity of replying. Now Sir, the motion may be put to vote.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): The resolution which has been submitted is that agricultural produce should be exempted from Customs duty.

Those in favour may please raise hands.

(Hands were raised).

Those against the Resolution may please raise hands.

(Hands were raised).

The majority seems to be in favour of the Resolution.

(Cheers).

L. SHIV NATH NANDA: I request that Division may be called.

NOTE.—(Votes were taken by Division and the House divided as follows :—)

Ayes ... 28	Noes ... 24
1. Khan Bahadur Thakur Aga Syed Hussain.	1. Dewan Bahadur N. Gopalaswami Ayyangar.
2. Sh. Abdul Hamid.	2. Maj. Col. Nawab Kusru Jung.
3. Col. Abdur Rahman.	3. Sir Lal Gopal Mukerji.
4. Ch. Abdul Karim.	4. Sahibzada Sir Abdussamad Khan
5 Ch. Abdullah Khan.	5. Rai Bahadur Pt. R. C Kak.
6. Pir Hisam-ud-Din.	6. K. B. Raja Mohammed Afzal Khan.
7. Major Atta Mohammed.	
8. Pt. Amar Nath Kak.	

Ayes	... 28	Noes	... 24
9.	Ghulam Mohammed Sadiq.	7.	Pt. Ram Nath Sharma.
10.	Mirza M. A. Beg.	8.	Kh. Ghulam Ahmed Ashai.
11.	Mian Ahmed Yar.	9.	Wazir Feroz Chand.
12.	Subedar Khan Mohammed Khan.	10	Mr. Abul Hassan.
13.	Haji Ahamadullah Shahdad.	11.	Rai Bahadur Pt. A. N. Purbi.
14.	Kh. Ali Mohammed.	12.	Babu Ram Dass.
15.	Mian Qurban Ahmed.	13.	Rao Bahadur Thakur Kartar Singh Ji.
16.	Sh. Mohammed Amin.	14,	Wazir Tej Ram
17.	Kh. Ghulam Hussain Malik.	15.	Pt. Lok Nath Sharma.
18.	Kh. Saif-ud-Din Shah.	16.	Rai Ghulam Hussain.
19.	Kh. Akbar Dhar.	17.	Pt. Sham Sundar Lal Dhar.
20.	Sardar Dhian Singh.	18.	Col. Sansar Singh Ji.
21.	Sardar Kanaya Singh.	19.	Pt. Ram Chandra Razdan.
22.	L. Amar Nath Kohli.	20.	Major Thakur Prem Singh.
23.	Sultan Feroz-ud-Din Khan	21.	Sardar Hari Singh.
24.	Wazir Ganga Ram.	22.	L. Shiv Nath Nanda.
25.	Pt. Ram Chandra Dohey.	23.	L. Hans Raj.
26.	Mr. Jagat Ram Aryan.	24.	Yebgo Aftikhar Ali.
27.	Bakhshi Moti Ram.		
28.	Kotwal Lakhmi Ram.		

MR PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): 28 votes are in favour of the Resolution and 24 against it. So the Resolution is passed (Cheers).

Now Pt. Ram Chand Dobey will now move the resolution which the Assistant Secretary will read out :—

NOTE —The Assistant Secretary read out the following resolution of Pt. Ram Chandra Dobey) :—

"This Praja Sabha recommends to the Council that in villages held by land owners, uncultivated Khalsa areas, outside the forest limits, be declared as Shamilat-i-Deh.

PANDIT RAM CHAND DOBEY : Sir, the history of land tenure in the State has been different from that of British India. Those *Illaqas* of the State which are situated adjacent to the districts of the Punjab are mostly plain and there is very little uncultivated land in these *Illaqas* excepting the areas which at the time of settlement were entered as Khalsa because they had been washed down by Nullahs. Next are the *kandi Illaqas* which adjoin the *maidani Illaqas* of Jammu Province. The lands which are sandy or rocky or which are of poorer quality are washed down by Nullahs because they lie on the mountain slopes and as such

the zamindars have to resort to the rotation of crops with the result that they have to leave the soil uncultivated for many years. As regards the rights of the zamindars in these *Illaqas* at the time of settlement some of them were taken as proprietors and others shown as *malguzars* or *mazarian mauroosi*. The cultivated areas which were lying waste at the time of settlement were entered as *khalsa*. It is thus that the uncultivated areas which were included as *khalsa* at the time of settlement are longer in these *Illaqas* than the cultivated areas. The condition of those people now is pitiable. They do not get water even for drinking purposes and the fact is that if one tract of land belongs to them the next one belongs to the Government. At the time of settlement the zamindar got their own field entered as Government land for the reason that they could not afford to pay land revenue to the Government. I want to make it clear that the condition of the village population here is very different.

Thirdly there are the hilly parts which are a bit different from the snowy *Illaqas*. Here the village population is generally scattered and the zamindars are settled in their respective fields. At the time of settlement most of the zamindars of these *Illaqas* were granted the right of *mulgazari*, *assami* and *muastaqil mazarian* and as such uncultivated areas could not be included in their *khatas*. These zamindars depend for their living to quite a considerable extent, on agriculture and cattle. Uncultivated areas are found in large numbers in these villages. At the time of forest demarcation some of these areas were included within the forest and the rest were entered as Khalsa belonging to the Revenue Department. Generally these forests are not very valuable because they consist of either small brush-wood or cheap trees.

Fourthly there are the snowy parts where there are valuable forests and the rights possessed by the zamindars on the agricultural land in these *Illaqas* are the same as are possessed by those in the hilly *Illaqas*. They generally live in their own lands and largely depend on the cattle except in cases of such *maidani* *Illaqas* (like the Kashmir Valley) where the rights over the agricultural land were granted at the time of settlement just as it was done on the hilly *Illaqas*. The grievances of the people often came up for consideration before the Government. When the regular settlement was over the revisional settlement in some *Illaqas* had also come to an end and its duration was considerably extended. The Government had to look into the rights over the lands because rights are generally examined at the time of settlement. Accordingly at the time of coronation His Highness the Maharaja Bahadur was graciously pleased to grant amongst other boons, No. 4 and commanded that the uncultivated lands

in the villages, where there are no *shamilat deh*, should be declared as *shamilat* Deh and that wherever the land adjoining the village settlement is shown as *khalsa* should also be declared as *shamilat*. The order was so unambiguous that wherever injustice had been done to the zamindars at the time of settlement in connection with their rights over uncultivated land, it could now be removed. But the rules which were framed by the officers of the Revenue Department could not completely do away with the hardships of the zamindars. Such grievances are being brought to the notice of the House and it is hoped that the House will agree with me that His Highness the Maharaja Bahadur issued a clear Ailan at the time of the coronation for the uplift of his beloved subjects. But the high officials of the Government interfered and narrowed down the scope of the rules so much that bribery became rampant and the patwaries, guards and the officers got sufficient opportunity to harass the zamindars. I want to quote an instance. During the course of enquiry by the Forest Committee we recently visited the different *Illaqas* and found that great hardships were imposed by Government officials regarding *khalsa* areas ; so much so, that even stones and clay from the *khalsa* areas is sold to the poor zamindars and they cannot remove any stone or dig earth from these areas for making pots for domestic use etc without paying the tax. With these few words, I would request the House that the zamindars may be allowed to take the fullest advantage of the beneficience of His Gracious Highness and the Khalsa areas in the villages where the zamindars possess proprietory rights may be declared *shamilat-deh* as has been done in the *Illaqas* of the Punjab. And when His Highness the Maharaja Bahadur has been pleased to confer proprietory rights throughout the State the defect in the language, by which unnecessary restrictions were imposed, may please be removed.

MAJOR MIRZA ATTA MOHAMMED KHAN : In support of the resolution I would like to say.....

MR PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Now that the time is over, we will take up this resolution day after to-morrow the 23rd March 1938

The House adjourned till Wednesday the 23rd of March 1938.

THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)

VOLUME VIII

5TH DAY

(23rd March 1938)

NON-OFFICIAL RESOLUTIONS

EIGHTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



JAMMU,

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Jammu and Kashmir Praja Sabha

President :

THE HON'BLE MR. JUSTICE K. L. KICHLU,
RAI BAHADUR.

Secretary:

PANDIT HIRANAND RAINA, B. SC., LL. B.

Assistant Secretary:

MR. MOHD. NASIR-UD-DIN KHAN, B. A., LL. B.

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JAMMU AND KASHMIR PRAJA SABHA.

MARCH-APRIL, JAMMU SESSION 1938.

Wednesday the 23rd March 1938/10th Chet 1934.

The Praja Sabha met in the Praja Sabha Chambers at Ajaibghar at eleven of the clock.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) in the chair.

QUESTIONS AND ANSWERS.

253. PANDIT AMAR NATH KAK : Will the Hon'ble Minister-in-charge of the Police Department be pleased to state :—

(*i*) What the number of the Gazetted Officers in Police service was in the year 1982?

(*ii*) What their number at present is?

(*iii*) How many of them are attached to the office of the Inspector General of Police and how many are attached to the offices of the Senior Superintendents of Police?

(*iv*) What the total number of the cognizable cases in the year 1982 was and what their number was in the last year?

(*v*) Does the Government intend to reduce the number of the Gazetted Officers in view of the fact that there is not proportionate increase in the number of the cognizable cases?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister) : (*i*) Eight.

(*ii*) Eighteen.

(*iii*) Three in Inspector General of Police's office and one each in the offices of Senior Superintendents of Police.

(*iv*) 2,620 in 1982 and 2,699 during last year.

(*v*) No.

254. MAJOR MIRZA ATTA MOHAMMED KHAN : (*a*) Do the Government know that the rate of land-revenue did not exceed 1/2, 1/3, 1/4 and 1/5 from the time of late Maharaja Ranbirsinghji Bahadur uptill the recent Settlement?

(*b*) Is it a fact, that the assessment of the land-revenuee is in accordance with the valuation of the crop while standing in the field?

(*c*) Is it also a fact that the land-revenue was assessed at the last Settlement according to the market rates?

(*d*) Do the Government know that six months labour of zamindar and the cultivation expenses were not kept in view?

(*e*) If the answer to part (d) be in the affirmative, do the Government know that in the present days the agriculturists are more poverty stricken than those of the past?

(*f*) Will Government, with a view to relieving the hardships of the agriculturists, please reduce the rates of land-revenue by one-half or one-forth?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister) : (*a*) Not clear.

(*b*) Valuation of the crop is one of the several conditions for assessment.

(*c*) Not according to market value alone.

(*d*) All such things are kept in view.

(*e*) Government have no data to arrive at such a conclusion.

(*f*) Does not arise.

255. MAJOR MIRZA ATTA MOHAMMED KHAN : (*a*) Is it a fact that labourers and other persons belonging to the State who earn their livelihood in the British territory by labour and service, have been exempted from the payment of customs duty on articles of domestic use worth twenty rupees which they may bring with themselves from the British territory?

(*b*) If the answer to part (*a*) be in the affirmative, will the Government please state if any orders were issued to the Customs Department to the effect?

(*c*) Do Government know that the Customs Department is not complying with the orders?

(*d*) Will Government order enquiry in the matter and lay on the table of the House the result thereof? If not, why not?

PANDIT RAM NATH SHARMA : (*a*) Labourers who go to the Punjab in search of labour during winter have been allowed exemption from payment of customs duty on goods upto the value of Rs. 25 and not Rs. 20 falling within the definition of "personal luggage".

(*b*) Yes.

(*c*) No. The Government thinks that proper facilities are being afforded to the labourers in this respect.

(*d*) The question does not arise.

MAJOR MIRZA ATTA MOHAMMED KHAN : I have mentioned about rupees twenty five in my question. Do not the employees fall within this definition?

PANDIT RAM NATH SHARMA : No.

256. MAJOR MIRZA ATTA MOHAMMED KHAN : (*a*) Will Government please state if no license for fishing is necessary for the river Tawi and other Nallahs?

(*b*) If the answer to part (*a*) be in the affirmative, it may please be stated why is fishing without license prohibited in other Nallahs now?

(*c*) Will Government please state reasons in detail?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) In Nullahs classed as Reserved Waters and Protected Waters fishing is permitted on lecenses only. The stretch of Jammu Tawi from Chenani Jagir boundary (excluding portions under the Shikarkhana Department and sacred places and 'Bhair Dubbars' classed as 'Sancturies' up to the junction with Chenab is a (Reserved Water). Fishing is permitted therein onlye on payment of license fees. For fishing in other Nullahs also licenses are necessary according to their classfiication.

(*b*) and (*c*) These licenses are required in accordance with the Jammu and Kashmir Fisheries Regulation Sambat 1960 and notification thereunder.

257. MAJOR MIRZA ATTA MOHAMMED KHAN : (*a*) Do Government know that at present it is absolutely necessary that cottage industries should be encouraged?

(*b*) Do Government know that unless the cottage industries improve the country cannot progress?

(*c*) If the answers to parts (*a*) and (*b*) be in the affirmative, will Government please state what steps have they taken for improvement of the cottage industries?

(*d*) Is Government in order to improve and encourage cottage industries prepared to appoint one Inspector in Tehsil Rajouri and Reasi?

(*e*) Do Government know that unless these steps are taken the cottage industries cannot improve?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister) : (*a*) and (*b*) Government agree that the prosperity of a considerable section of the people in the State is largely dependent on cottage industries.

(*c*) Reply to Q. D. No. 99 may kindly be referred to.

(*d*) There is a peripatetic party appointed to give demonstrations in improved methods of weaving etc. in the villages in various parts of Jammu Province. Government will undoubtedly take further steps in this direction when necessity arises.

MAJOR MIRZA ATTA MOHAMMED KHAN : When will further steps be taken?

RAI BAHADUR PANDIT RAM CHAND KAK : When necessity arises.

MAJOR MIRZA ATTA MOHAMMED KHAN : Part (*c*) of the question has not been replied.

RAI BAHADUR PANDIT RAM CHAND KAK : The reply has been given. Please see question No. 29 for the sake of reference.

MAJOR MIRZA ATTA MOHAMMED KHAN : What was the reply? Were any steps taken?

RAI BAHADUR PANDIT RAM CHAND KAK : Steps were taken

according to needs.

MAJOR MIRZA ATTA MOHAMMED KHAN : It was necessary to ask such a question.

RAI BAHADUR PANDIT RAM CHAND KAK : Steps have been taken according to the needs. If there arises any more necessity, further will be taken.

258. MIRZA ATTA MOHAMMED KHAN : (*a*) Do Government know that in the villages of Tehsil of Reasi a large number of women die during the period of their pregnancy?

(*b*) Will Government please state if any steps have been taken in order to check the death rate in women?

(*c*) If the answer be in the negative, will Government in order to safeguard the lives of women train local midwives and are they prepared to appoint Lady Doctors in Tehsil Rajouri and Reasi, if not why?

PANDIT RAM NATH SHARMA : (*a*) The Government is in possession of no such information.

(*b*) Does not arise.

(*c*) One midwife is posted both at Reasi and Rajouri. Training of midwives is conducted in the two Zenana Hospitals at Jammu and Srinagar and for this purpose Government have sanctioned stipends which are open to all alike. It is regretted appointment of Lady Doctors is not feasible, as suggested.

MAJOR MIRZA ATTA MOHAMMED KHAN : In reply to a question asked on 3rd Chet 1994 have you not agreed that lady doctors have been appointed?

PANNDIT RAM NATH SHARMA : Please give notice for that first and then you will be given a reply.

MAJOR MIRZA ATTA MOHAMMED KHAN : I have referred to the question, and you may give a reply to it.

PANDIT RAM NATH SHARMA : What is the number of the question?

MAJOR MIRZA ATTA MOHAMMED KHAM : The question was regarding the infant mortality.

259. MAJOR MIRZA ATTA MOHAMMED KHAN : (*a*) Do Government know that the zamindars of District Reasi and Tehsil Rajouri are passing hard days?

(*b*) Do Government know that the Shaukars and bankers have made their life impossible?

(*c*) Will it please be stated whether Government are not realizing that the people will not be able to pay off their revenue?

(*d*) If the answer to parts (*a*), (*b*) and (*c*) be in the affirmative, it may please be stated what steps have Government taken to save this situation?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) and (*b*) Government have received no particular complaints in this respect

(*c*) No reports have been received by Government to show that the zamindars will not be able to pay in the land-revenue.

(*d*) Does not arise. It may however be stated for the information of the Praja Sabha Sad that Government have been taking all possible steps to ameliorate the lot of the peasentry as a whole.

MAJOR MIRZA ATTA MOHAMMED KHAN : That might be known to you.

260. MAJOR MIRZA ATTA MOHAMMED KHAN : (*a*) Do Government know if it is a fact that the Forest Department does not grant Cheel, Kairo and the other trees on Zamindari rates to the villagers who live more than three miles away from the Forests?

(*b*) Do Government know that if the Forests catch fire the zamindars living about 15 miles away from the Forests come to extinguish the fire and help the Forest Department?

(*c*) Will Government call for a list of such villages of Tehsil Rajouri, which are outside the three miles range of Forests and place this list on the table of the House?

(*d*) If the answer to parts (*c*) and (*d*) be in the affirmative, then, will Government with a view to helping the zamindars cancel this rule and issue orders to the Forest Officers to grant Kairo and Cheel wood at Zamindari rates to zamindars? If not, why?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(*b*) No.

(*c*) No. This requires unnecessary labour and trouble.

(*d*) Does not arise.

MAJOR MIRZA ATTA MOHAMMED KHAN : Does the Hon'ble Revenue Minister know that when the forests catch fire, the zamindars living about ten and twenty miles away from the forests come to extinguish the fire? In view of all this, will some concessions be granted to the zamindars?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : None of the zamindars living about ten or fifteen miles away from the forests come to extinguish fire. Only those who live within the area of three miles come to extinguish the fire.

MAJOR MIRZA ATTA MOHAMMED KHAN : Will orders be issued that the zamindars living outside the area of three miles distance should not come to extinguish the fire?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : There is no need of it.

261. PANDIT AMAR NATH KAK : Will the Hon'ble Minister-in-charge of the Electrical Department be pleased to state :—

(*a*) Whether the executive W. C. Establishment of the Electrical Department has been submiting applications, representations and telegrams repeatedly for converting their posts into regular and permanent ones, for the last so many years?

(*b*) Whether W. C. establishment of the Telephone Department has recently been converted into permanent establishment?

(*c*) Whether the system of having W. C. Establishmeent in the P. W. D. is different from this Establishment in the respect that while in the case of the P. W. D. such Establishment generally is not retained throughout the year and terminates with the terminations of the work, the Establishment of the Electrical Department has been working for the last 15 or 20 years without any break and for the whole year, just in the same way as the permanent employees have been doing?

(*d*) Whether it is a fact that out of this W. C. Establishment deaths have been occurring off and on during the discharge of Government services and no compensation has been granted to the survivors? In view of the peculiar circumstances of these work charge employees will the Governmeent take up the question of converting this W. C. Establishment into permanent establishment at an early date.

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) No.

(*c*) Yes.

(*d*) Yes. The question of converting work charge establishment into regular cadre is already under consideration.

262. KHAWAJA ALI MOHAMMED : Will the Hon'ble Minister-in-charge Town Area Committees please state whether it is a fact that Dharat and Octroi is not realized from those people who are carrying goods into the Baramulla town but rather it is realized from the villagers and outsiders belonging to places such as Srinagar etc., who leave Baramulla town?

Is Octroi also realized from those people travelling in lorries who may have to stop in the vicinity of Baramulla even for a few minutes?

If the reply be in the affirmative, then, it may please be stated whether the Government will take any action against this unreasonable exaction?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) No. Only Dharat is realized on goods imported for consumption in Baramulla town.

(*b*) No Octroi is realized from through traffic. Only Dharat is realized within the Town Area limits for goods un-loaded from a lorry or a cart within the Town Area limits.

(*c*) Does not arise.

263. SUBEDAR KHAN MOHAMMED KHAN : (*a*) Is it a fact that the zamindars of Thana Hajeera submitted an application to the Wazir for opening a middle school there?

(*b*) If the answer be in the affirmative, it may please be stated what action has been taken on that application?

WAZIR FEROZ CHAND (Wazir Poonch) : (*a*) Yes.

(*b*) Due to financial stringency opening of a middle school at Hajeera cannot be considered. A primary school already exists in Hajeere and the question of opening of a special class there is already under consideration of the Administration.

SUBEDAR KHAN MOHAMMED KHAN : Will the matter be expedited?

WAZIR FEROZ CHAND : Yes, the matter will be expedited.

SARDAR DHIAN SINGH : Previously you had also stated that the Chief Inspector had been asked to submit his report in the matter.

WAZIR FEROZ CHAND : It was with regard to the opening of a class.

SARDAR DHIAN SINGH : It is long time now, but no action has been taken so far.

264. SUBEDAR KHAN MOHAMMED KHAN : Is it a fact that it was recommended in the Glancy Commission Report that in order to maintain the communal representation in services a Muslim Matriculate should be given preference over a Hindu Graduate?

If the answer be in the affirmative, then, it may please be stated why preperence was given to untrained Naib-Tehsildars Sardari Lal and Ranbir Singh over Gul Mohammed Khan trained Naib-Tehsildar at the time of their appointment as Tehsildars? Is not Muslim representation in services being ignored by these appointments.

WAZIR FEROZ CHAND : No such recommendation has been made. The Commission only fixed a standard of minimum educational qualification for different services of the State.

Dewan Sardari Lal and Sardar Amir Singh (not Ranbir Singh as stated in the question) are B. A., LL. Bs. and in receipt of higher rate of pay than B. Gul Mohammed Khan, who is a mere matriculate and a third grade Naib-Tehsildar. Dewan Sardari Lal is a first grade Naib-Tehsildar and much Senior to B. Gul Mohammed and Sardar Amir Singh is Court Inspector and has on various occasions officiated as a Public Prosecutor and Munsiff. I would also like to inform the Praja Sabha Sad Sahib that in the Glancy Report the minimum educational qualification fixed for a Tehsildar is Degree Examintaion. There are four posts of Tehsildars in Poonch. Out of these two posts are already held by Muslims.

In view of the above the last part of the question does not arise.

SUBEDAR KHAN MOHAMMED KHAN : Is it a fact that in order to maintain Muslim representation in services the standard of educational qualifications has been lowered down? Whether after the Glancy Commission Report any Muslim who is Matriculate has been promoted to the post of Tehsildar or Revenue Assistant in the State?

WAZIR FEROZ CHAND : Appointments are being made to these posts according to seniority.

SUBEDAR KHAN MOHAMMED KHAN : Why is seniority being ignored in Poonch?

WAZIR FEROZ CHAND : It is not being ignored but rather the same procedure is adopted as is in vogue in Jammu and Kashmir State.

SUBEDAR KHAN MOHAMMED KHAN : Is it a fact that the Muslim community is fully represented in Poonch?

WAZIR FEROZ CHAND : Yes, it is fully represented.

265. Is it a fact that a scheme for furnishing the Police with Fire Arms is under the consideration of the Government?

PANDIT RAM NATH SHARMA : A certain portion of the Police is already furnished with Fire Arms. No new scheme is under consideration.

SUBEDAR KHAN MOHAMMED KHAN : Will the retired Military Officers be given preference if any scheme is taken into consideration?

PANDIT RAM NATH SHARMA : At present there is no such scheme. It will be considered if there is any.

266. SUBEDAR KHAN MOHAMMED KHAN : (*a*) Is it a fact that Jahan Dad Khan who is a student of the Prince of Wales College Jammu passed his Matriculation in 1936 in the first division and had applied to the Wazir of Poonch for grant of a scholarship which had unfortunately been already allotted?

(*b*) Is it also a fact that during the last Srinagar session this matter was submitted to the Wazir and the Chief Educational Officer had recommended for grant of a scholarship to the candidate? If the answer be in the affirmative, it may please be stated what action has been taken on his application.

WAZIR FEROZ CHAND : (*a*) and (*b*) I am not aware of any such application as has been stated in the question. The matter is, however, being enquired into and on receipt of a report from the Chief Educational Officer, Poonch, the case shall receive due consideration.

SUBEDAR KHAN MOHAMMED KHAN : Will it be stated whether Wazir Sahib had recommended for grant of one scholarship to Mr. Jahan Dad Khan?

WAZIR FEROZ CHAND : I have not received the papers as yet. Enquiry is being taken in the matter.

267. KHAWAJA SANAULLAH SHAH : (*a*) Do Government know that the zamindars have cut down many withered trees but they are still paying revenue for them?

(*b*) If it is a fact then, will Government please state in which places in Handwara has Government remitted revenue for such trees which have been cut down by the zamindars?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The question is too vague to be answered, as the species of the trees is not

mentioned, nor has the name of the locality in which the alleged cutting has taken place been specified.

SARDAR DHIAN SINGH : If it is true that land revenue is realized for withered trees, will Government then remit land-revenue for such trees?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Yes, certainly.

268. KHAWAJA SANAULLAH SHAH : (*a*) Do Government know that there is only middle school in Hindwara proper which is inadequate for meeting the educational requirements of the entire Illaqa?

(*b*) If it is a fact then, will Government considering the fact that the people of this Illaqa are backward in education issue orders for raising the middle school to a high school?

If so, will Government raise the status of the school to that of a high school this very year?

PANDIT RAM NATH SHARMA : (*a*) and (*b*) Yes, but adequate arrangements have already been made for secondary education in the Illaqa. There is already one high school in Sopore in addition to three middle schools at Handawara, Bandipura and Baba Yusuf (Sopore) The status of Bomay primary school will be raised to that of middle school from Baisakh 1995.

269. KHAWAJA SANAULLAH SHAH : (*a*) Do Government know that harvest has been totally damaged in Illaqa Zenagir Tehsil Handwara on account of severe hailstorm; and as a result the zamindars have been rendered extremely poor?

If the answer be in the affirmative, then, will Government please state what help such as remission of revenue or supply of food etc. has been granted to them? If no help has been given to them, reasons therefor may please be stated.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Yes, crops were damaged in the said Illaqa on account of hailstorm.

(*b*) The land-revenue demand has been suspended remission files have been prepared, and the persons affected have been granted Rs. 1,335 as Taccavi for purchase of grain.

270. KHAWAJA SANAULLAH SHAH : (*a*) Do Government know that both the Tehsil office and the Police office are stituated at Handwara proper and that the litigants keep going to the Tehsil every day?

(*b*) Do Government also know that there is no Hospital at Handwara on account of which the people have to experience very great difficulty?

(*c*) Do Government know that there is a State Hospital at Langet which has not proved very useful to the people because of the difficulty that the patients have to face in crossing the Nallah Manawar?

(*d*) If the answer to the parts above be in the affirmative, then, will Government in the interests of public welfare issue orders for shifting the whole Hospital from Langet to Handwara?

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) There is no Hospital at Handwara.

(*c*) and (*d*) In view of the population of Langet being 1,329 against 1,031 of Handwara and there being a suitable building available for the dispensary at Langet and in consideration of there being a distance of only two miles between the two places, shifting of the Langet dispensary to Handwara is not desirable.

MIRZA MOHAMMED AFZAL BEG : Was there already a State Hospiatl at Langet?

PANDIT RAM NATH SHARMA : Yes, it was already there.

271. KHAWAJA SANAULLAH SHAH : (*a*) Do Government know that at Doabgah the Forest Department has put a floating spar as 'Boom' which is fixed to either bank with the help of rope and line. Is it a fact that this causes hinderance to the boats entering the Jhelum river and sometimes the boats in crossing the rope, almost capsize?

(*b*) If answers to the above be in the affirmative, then, will Government in order to ensure safety of the boatmen issue orders that the rope may be removed from one side so that the boats may be able to pass freely and may not have to cross the line.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) The Boom at Doabgah does not cause any sort of hinderance to the boats entering Jhelum River.

(*b*) Does not arise.

272. KHAWAJA SANAULLAH SHAH : (*a*) Do Government know that His Highness the Maharaja Bahadur has issued orders that help may be granted to the zamindars, who may have been rendered homeless by their houses catching fire and that, the help may be given in the form of free grant of trees, exemption from revenue, grant for food and grant of Taccavi loans?

(*b*) If it be a fact, then, will Government please state if these orders are really followed in practice or not? If so, will Government draw out a list of such afflicted zamindars of Tehsil Handwara as were granted relief in 1993-94 and place this list on the table of the House?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Yes. Each case is dealt with on its merits. Only cash relief and free grant of timber from Berun-i-line forests are permissible under the rules.

(*b*) No case of fire-sufferers of Handwara Tehsil was received during the year 1993-94.

273. SARDAR MAL SINGH : (*a*) Is it a fact that a Naib-Tehsildar as 2nd grade collector enjoys the same powers as a Tehsildar?

(*b*) That the pay of the Naib-Tehsildar ranges from Rs. 67 upwards to Rs. 100 while the pay of the Deputy Inspector Police and Deputy Inspector Customs is Rs. 75, Rs. 100 to Rs. 125?

(*c*) If the answers to the parts above be in the affirmative, then, will the Hon'ble Revenue Minister please state why is the pay of the Naib-Tehsildars so low as that?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) No.

(*b*) If the Praja Sabha Sad means Sub-Inspectors of Police and Assistant Inspectors Customs then the reply is in the affirmative.

(c) *1st part.*—Yes.

2nd part.—The matter is already receiving consideration.

274 .SARDAR MAL SINGH : (*a*) Is it a fact that the Tehsildars and Naib-Tehsildars have to go out on tours for ten days in a month and that in the absence of one the other official works as officer-in-charge treasury?

(*b*) Is it also a fact that as officer-in-charge treasury, the Tehsildar does not have to pay any rent for his house while the Naib-Tehsildar has to pay this rent?

(*c*) Is it also a fact that the Governors of both the Provinces recommended for the remission of rent to the Naib-Tehsildars? If the answers be in the affirmative, then, will the Hon'ble Revenue Minister please state why is not rent remitted to the Naib-Tehsildars when both the Tehsildar and the Naib-Tehsildar work as officer-in-charge treasury?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(*b*) Yes.

(*c*) *1st part.*—Yes.

2nd part.—Certain orders were passed on the recommendations of the Retrenchment Committee. As the interpretation of those orders only one officer was allowed rent free residence. The present Revenue Minister proposes to take up the matter afresh, but he cannot anticipate the result of his efforts.

SARDAR MAL SINGH : Do these officers pay rent for the Government quarters or they are being exempted from the rent?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : One officer is exempt while the other is not.

SARDAR MAL SINGH : Why is differential treatment meted out when both of the officers discharge the same duties?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : This is why the Hon'ble Revenue Minister has suggested to take the matter into consideration from the very begining. He will institute an enquiry.

SARDAR MAL SINGH : How much time will be spent in making enquiry into the matter?

.KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : It has been instituted.

SARDAR MAL SINGH : Will you please issue some instructions

with regard to it.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : If you want and feel pleasure in it, then instructions may be given, otherwise it is useless. If you send an application to me, I will do so.

SARDAR MAL SINGH : Will you not issue instructions on this very issue?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : All right. I will issue instructions as desired.

275. SARDAR MAL SINGH : (*a*) Is it a fact that the Tehsil building of Uttarmachipura (Handwara) caught fire in 1994 and that no new Tehsil building has so far been constructed as a result of which both the Tehsildar and the Naib-Tehsildar have tc work at their own places?

(*b*) Is it also a fact that the Headquarted of Forest Langet Division has been shifted to Baramulla?

(*d*) If the answer to (*c*) be in the affirmative, then, will the Hon'ble Revenue Minister please state reasons why the Headquarters of Tehsil Handwara have not been shifted to Langet for the buildings of the Forest Department could be used by the Tehsil and this would mean a good deal of saving to the Government? Will the Hon'ble Revenue Minister shift the Headquarter of the Tehsil to Langet Tehsil or not? If not, why?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN :(*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) The Divisional Engineer and Wazir Wazarat Baramulla who were asked to submit a joint report after inspection on the spot have reported that it is neither financially sound nor in the interest of people or Government to shift the Tehsil Headquarters from Handwara to Langet. Necessary arrangements for the accommodation of Tehsil and Niabat at Handwara are, however, being made.

276. SARDAR MAL SINGH : (*a*) Is it a fact that there are set examinations for the posts of Tehsildars, Naib-Tehsildars and Wazirs Wazarat and that no officer is taken on these posts unless he is qualified? Of course, if, under special circumstances anybody is appointed on these posts, he has to fully qualify himself within two years or he has to revert to his old post.

(*b*) Is it also a fact that some persons who have not passed the examinations of Tehsildars and Naib-Tehsildars are holding these posts and have also been receiving promotions?

(*c*) Is it also a fact that several qualified Tehsildar and Naib-Tehsildar candidates are available who have not been given any promotion?

(*d*) If the answer be in the affirmative, will the Hon'ble Revenue Minister please state reasons for the violation of rules as also

whether this will be strictly adhered to in future?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(*b*) Yes. But such persons in the Tehsildari cadre were given promotions only after they had been exempted from passing the Departmental Examination. No unqualified Naib-Tehsildar has been given any promotion in the Niabat cadre.

(*c*) There are no Tehsildari candidates in the Revenue Department, now. The maintenance of the list of Tehsildari candidates has been discontinued under Government orders. The qualified Naib-Tehsildari caddidates are being gradually provided.

(*d*) Does not arise.

277. SARDAR MAL SINGH : Will the Hon'ble Revenue Minister please state if a zamindar is prohibited from felling the Ash tree even in his own land because it is regarded as "royal tree"? If so, what are the reasons therefor?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Ash is not a Roal tree and no body is prohibited from cutting it if it belongs to him.

278. SARDAR MAL SINGH : Is it a fact that the Government have provided one Motor Launch to the fire Brigade but no provision has been made for its driver? If the answer be in the affirmative, will the Hon'ble Home Minister appoint some Launch Driver?

PANDIT RAM NATH SHARMA : Yes. Provision for a driver is being made in the forth-coming budget.

279. SARDAR MAL SINGH : Is it a fact that a special force had been deputed for the protection of "Chop Kuth" and the sepoies were armed with military rifles and that now those rifles have been taken away from them, and instead, they have been given twelve-bore shot guns while the trans-border people who come to smuggle "Chob Kuth" are armed with long range rifles?

If the answer be in the affirmative, then, will Government provide the sepoies with long range rifles so that they may be able to face the smugglers? If not, why?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : This question presumably refers to the special Forest Staff which has been armed for the protection of Kuth against smuggling in the Keran Division. The staff was armed with Military rifles which were borrowed from the Army Department for a period of eleven months. These had to be returned to the Army Department after the expiry of the period.

For a brief period, the staff was armed with 12 bore shot guns after the return of the Military rifles.

The staff has now been armed with 410 muskets purchased from the Rawalpindi Arsenal.

MIRZA MOHAMMED AFZAL BEG : Instead of 410 equip them with 420. (Laughter)

280. SARDAR MAL SINGH : Is it a fact that the local sepoies have snatched several rifles from the foreigners who had come to smuggle "Kuth"? If so, will the Hon'ble Revenue Minister please state the range and number of those rifles?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Fire arms of the following descriptions have been seized from the foreign Kuth smugglers from the summer of 1992 to date by the Kuth staff in Keran Division :—

1. Immitation enfield rifles (long range) ... 6
2. .Shot gun ... 1
3. Chilasi guns (country made) ... 3

281. SARDAR HARI SINGH : Is it a fact that this year Vimla Koul has been deputed as Superintendent for the Middle Class Examination?

If reply be in the affirmative, will Government be pleased to state why the present Headmistress, who has been appointed as officiating Headmistress for the last few months, has ignored the remarks of the ex-Headmistress against the mistress?

PANDIT RAM NATH SHARMA : Yes.

The selection of Superintendants for Middle Standard Examination for Indian girls is made by the Director of Public Instruction Punjab on the recommendation of the Chief Inspectress and not on the recommendation of the Headmistresses.

SARDAR HARI SINGH : Will the Chief Inspectress be ordered that while making such selections she should bear in mind the remarks of the subordinate officers?

PANDIT RAM NATH SHARMA : There is no need of issuing such order because the officers are already aware of it.

SARDAR HARI SINGH : If it has been complied with, then?

PANDIT RMA NATH SHARMA : You might be well-aware of it.

282. SARDAR HARI SINGH : Will Government please state in detail that how many of the Muslims, Hindus and Sikhs are appointed as Mahaldars and what is their number in the menial staff in the Customs Department?

PANDIT RAM NATH SHARMA : The question is not quite clear. If the Praja Sabha Sad means the existing number of Muslims Hindus and Sikhs, then the answer is ;

		Muslims.	Hindus.	Sikhs.
Mahaldars	...	23	142	10
Menials	...	119	256	22

283. SARDAR HARI SINGH : Will Government please state the number of employees in the menial staff and Mohaldars ap-

pointed during the last three years?

If there is an inadequate representation of Sikh community, will Government please remove the paucity? If not, why?

PANDIT RAM NATH SHARMA : I. The number of appointments made as Mahaldars and guards during the last 3 years in the Customs Department is 35 and 62 respectively.

II. Due consideration is paid to the claim of Sikhs when selection of candidates is made in this Department.

III. Does not arise.

284. SARDAR HARI SINGH : Will Government please state what is the total amount of liabilities of the Central Co-operative Bank Ltd., Jammu and what are their details?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : A copy of the Balance Sheet embodying the requisite information is placed on the table of the Praja Sabha Sad.

Monthly Balance Sheet Central Co-operative Bank Ltd: Jammu for the month of Magh 1994.

Liabilities.		Amount.	Total.
1. *Share account*	..		1,10,525 15 6
2. Shares transfer Fund	..	300 0 0	
Reserve Fund	..	66,708 0 0	
Building Fund	..	9,500 0 0	
Bad and doubtful Debts	..	5,098 13 2	
Dividend Equilisation Fund	..	41,827 4 4	
			1,23,434 1 6
3. Education Fund	..	950 0 0	
Rewards and Publicity Fund	..	566 10 0	
Bonus	..	100 0 0	
Honorarium	..	60 0 0	
			1,676 10 0
4. Fixed Deposits of Societies	..	10,451 14 6	
,, Individual Members	..	25,719 9 6	
,, Non-members	..	3,28,093 15 9	
			3,64,265 7 9
5. Savings Fund A/c of Societies	..	27,168 13 10	
,, of Individual Members	..	1,626 13 10	
,, Non-members	..	31,046 6 7	
			59,777 2 3
6. Deposits in Sundries A/c	..	2,803 0 9	
			2,803 0 9
7. Provident Fund A/c	..		2,104 11 8
8. Audit and Secretary Fund A/c	..		4,117 10 6
9. Interest Recoverable	..		2,201 6 3
10. Interest recovered on Loans and deposits of Societies and Banks	..	2, 13 2 6	
,, ,, Individuals	..	67 1 0	
,, on Investment	..	186 8 10	
			2,366 12 4
11. Miscellaneous income A/c 1992-93	..		1 8 0
12. Undistributed dividend on Individual share-holders	..		2,084 15 9
13. Profit and Loss A/c 1992-93	..	14,873 0 3	
,, 1993-94	..	20,313 5 11	35,186 6 2
Total	..		7,10,547 12 5

Monthly Balance Sheet Central Co-operative Bank Ltd: Jammu for the month of Magh 1994.

	Assets.		Amount.			Total.		
1.	Cash Balance	..	19,812	11	6			
	In current A/c with Punjab National Bank Jammu	..	10,000	0	0			
	In Savings Fund A/c in P. N. B.	..	5,000	0	0			
	,, P. O. Jammu	...	10,000	0	0			
						44.812	11	6
2.	Postal Cash Certificates	..				8,625	0	0
3.	Government Promisory Notes	..				55.426	7	0
4.	Fixed Deposit with C. B. Muzaffarabad	..				25,000	0	0
5.	Loans due from Societies and C. Banks	..	4,80,458	0	0			
	Loans to individuals on the security of their Deposits	..	829	11	2			
						4,81,287	5	6
6.	Inst. recoverable on loans from 1980 to 1994	..	79,312	4	0			
	Inst. due on investment from 1992 to 1994	..	885	11	2			
	Inst. on loans to individuals 1992-94	..	0	13	9			
						80,198	12	11
7.	Interest paid on deposits	..				1,030	10	0
8.	Stock	..				1,040	8	6
9.	Safe	..				306	0	0
10.	Furniture	..				609	6	3
11.	Building	..				5,400	0	0
12.	Execution of Awards Fund	..				3,913	8	9
13.	Moharrir Fund	..				1,608	5	9
14.	Contingencies	..				22	2	9
15	Establishment	..				1,153	7	6
16.	T. A.	..				8	11	0
17.	Printing	..				29	5	3
18.	Postage	..				9	12	9
19.	Stationery	..				4	3	0
20.	Direct Fee and T. A.	..				46	0	0
21.	Expenditure on Annual Meeting A/c	..				5	6	0
22.	Imprest A/c	..				10	0	0
	Total	..				7,10,647	12	5

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SARDAR HARI SINGH : I submit that the Balance Sheet is a long one. My question is this that.....

PANDIT LOK NATH SHARMA : Originally the question was very short but the reply is longer one. (Laughter)

SARDAR HARI SINGH : My question was that "what is the total amount of liabilities outstanding in the bank and what are their details?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The Balance Sheet is a long one. You may please read it out yourself.

SARDAR HARI SINGH : All right. I don't want it to be read out.

MIRZA MOHAMMED AFZAL BEG : Sir, there are supplementary questions regarding question No. 284.

SARDAR HARI SINGH : I want to state that the sum of Rs. 79,312 is outstanding from the year 1980.....

MIRZA MOHAMMED AFZAL BEG : Is it a fact that shares of the Central Bank have been shown in the Balance Sheet on the side of the liabilities?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Wazir Feroz Chand, who has worked as the Director of Co-operative societies, will give you the reply in detail.

MIRZA MOHAMMED AFZAL BEG : Kindly look at the Balance Sheet. The very first item, on the right side, is Hasas Khetta I want to ask whether shares are shown on the side of liabilities.

WAZIR FEROZ CHAND : Yes.

MIAN AHMED YAR : Are the shares of the Central Co-operative Bank non-refundable?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : They are not refundable.

MIRZA MOHAMMED AFZAL BEG : Any amount which is not refundable, do you show it on the side of liabilities? Are the shares of a bank liabilities?

WAZIR FEROZ CHAND : Yes.

MIRZA MOHAMMED AFZAL BEG : Do you show deposits on the side of Assets? Please look at the Balance Sheet and tell me whether you show it on the side of Assets or not.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : No they are liabilities.

MIRZA MOHAMMED AFZAL BEG : What do you mean by the term "*Amanat Miadi*". The fourth item on the side of assets which reads as "*Amanat Maidi* Sadar Bank" (deposit of the Central Bank).

WAZIR FEROZ CHAND : This is a deposit of the Central Bank and not to the Central Bank.

MIRZA MOHAMMED AFZAL BEG : What do you mean by the figure amounting to Rs. 79,312/4/-? What does that figure show,

Sir?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The reply will be given to you later on.

MIRZA MOHAMMED AFZAL BEG : No body cares here, for the Co-operative movements because it concerns the poor peasants. In the Balance Sheet against the figure Rs. 79,312/4/- no explanatory note has been given. Will this please be explained, as to what is meant by this figure?

WAZIR FEROZ CHAND : The details can be given to you later on, on enquiry from the Registrar Co-operative Banks.

MIAN AHMED YAR : Sir, What is meant by item No. 4 on the Assets side where it is written "fixed deposite with Central Bank, Muzaffarabad"?

MIRZA MOHAMMED AFZAL BEG : Will the Hon'ble Minister for Co-operative give a reply and remove our doubts?

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : These are all new questions. The gentleman wanted a statement of liabilities and that has been placed on the table. If he wants to ask other questions, he should give notice for that.

MIAN AHMED YAR : The Government must be prepared to answer all the matters arising from important thing and I being Secretary of the Muzaffarabad Co-operative Bank must have full information.

MIRZA MOHAMMED AFZAL BEG : I want to know, Sir whether a supplementary question cannot be asked about a matter which relates to the principles which should be very well known to Head of the Department and the Minister-in-charge of the department? My questions do not necessitate any reference to the record of the Government and I have been asking all these questions about a principle for instance, I ask whether shares of the bank are non-refundable. This is a question of principle and law and it must be answered.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : No doubt Ministers can answer certain questions if the answers are within their knowledge and if it is not so, they have to ask for notice. As you know Sir, the definition of a lawyer is not that he knows all law. He must be given time to find it.

MIRZA MOHAMMED AFZAL BEG : Cannot we presume that a Minister knows the reply of a supplementary question? Are we to understand that replies tabled here are not sudied by the Ministers concerned?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : They are studied and the answers are given to the questions that are asked. But what my hon'ble friend now tries to do is to cross-examine the Hon'ble Minister on the details of an answer.

MIRZA MOHAMMED AFZAL BEG : The Hon'ble Minister for Co-operation has shown the shares on the side of liabilities? I only asked the Hon'ble Minister as to what justification was there for this item being so shown? If the question and the answer had been thoroughly studied by the Hon'ble Minister for Co-operation there would have been no difficulty to answer my question.

PANDIT LOK NATH SHARMA : Sir, according to Rule 40, no discussion shall be permitted in respect of any question or of any answer given to a question. It is for the chair, therefore, to allow or disallow a supplementary question. (Addressing the Chair) It is for you, Sir, therefore, to allow further discussion or not.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Quite right.

MIRZA MOHAMMED AFZAL BEG : But my question was admitted, Sir.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The Government is not at present in a position to reply that question. If you give a notice,, an answer will be given to you.

MIAN AHMED YAR : According to Rule 40 any member may put a supplementary question for the purpose of elucidating any matter of fact regarding which an answer has been given we can put questions with regard to anything put in the answer. On this particular question I would request that a ruling may be given so that the Government may always come prepared for replying supplementary questions.

MIRZA MOHAMMED AFZAL BEG : But there is one difficulty in giving a ruling in this behalf. Suppose, Sir, you rule that Ministers should come prepared with replies and study the questions and suppose further Sir, that they forget these replies before reaching the Assembly Chamber.....

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Well you do not want a ruling on that point.

MIAN AHMED YAR : I want a ruling on that point, Sir.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Under Rule 38 it is open to a Minister to ask for time to answer a particular question.....

MIRZA MOHAMMED AFZAL BEG : It is absolutely within your province, Sir to say whether a notice is called for or not. When your honour sees that no notice is necessary I think in that case your honour can ask the Minister to come prepared with the reply...

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Well the answer has been explained sufficiently.

285. SARDAR HARI SINGH : Will Government please state how many societies connected with the Central Co-operative Bank Ltd., Jammu are under liquidation and what is the amount of their total liabilities?

What amount has been realized from these societies for the last five years *i. e.* with effect from Assuj 1989 upto the end of Bhadon 1994?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Sixty-two Societies affiliated to the Central Bank Jammu are under liquidation, out of which 31 owed to Central Banks Rs. 34,811 in principal and Rs. 8,127 in interest, upto Bhadon 1989. Against this liability a sum of Rs. 2,815 in principal and Rs. 463 towards interest has been recovered during the last 5 years (from Assuj 1989 to Bhadon 1994). The amount of their total liabilities on 31st Bhadon 1994 was Rs. 31,996 in principal and Rs. 20,260 in interest.

SARDAR HARI SINGH : Will it please be stated whether arrangements be made for the realization of the remaining amount when sums of Rs. 3,000 and Rs. 400 have been shown against Rs. 35,000 and Rs. 8,000 respectively?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Very well. (Cheers)

286. SARDAR HARI SINGH : Is it a fact that now-a-days the word 'Tum' is generally used in the Government summons and other papers? What objection do the Government have in using the word 'Ap' instead of 'Tum' in the papers?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Yes.

(*b*) The Government have no objection to the use of the word "Ap" instead of the word "Tum" in Government summons to be printed hereinafter when the present stock of forms is exhausted.

287. SARDAR HARI SINGH : How many times did Mr. Wadia, Mining Officer to Government of India come to the State and submit reports regarding the mines found in the State? Is it a fact that he made a mention of the existence of minerals in the State in his several reports? Have Government taken these reports into consideration? If so, what has been done in this behalf? If not, why?

RAI BAHADUR PANDIT RAM CHAND KAK : Mr. Wadia and other Officers of the Geological Survey of India visit the State almost every year. Their reports are mostly of scientific interest. The Government do take note of these reports while making programme of their work.

288. SARDAR HARI SINGH : (*i*) Is it a fact that the whole of Jammu and Kashmir State is a hilly Illaqa and abounds in minerals?

(*ii*) Is it also a fact that the services of experts are required to survey and investigate these minerals?

(*iii*) Will Government please state as to how many persons have been engaged to explore these minerals and to what places have they been deputed for the purpose of training? If no such steps have been taken by the Government, reasons may please be stated therefor?

RAI BAHADUR PANDIT RAM CHAND KAK (*i*) The existence of certain minerals in some parts of the Jammu Province has been brought to the notice of the Government.

(*ii*) Yes.

(*iii*) The Government maintains a Mining and Mineral Survey Department for this purpose consisting of trained men.

SARDAR HARI SINGH : My question was as to how many students or other persons have been engaged for the training and to what places have they been deputed for the purpose of training?

RAI BAHADUR PANDIT RAM CHAND KAK : The reply has already been given. Your question was that "Will Government please state as to how many persons have been engaged to explore these minerals and to what places have they been deputed for the purpose of training?

SARDAR HARI SINGH : Will the names of the persons be stated who, before and after the publication of Glancy Commission report, were sent for the purpose of the training?

RAI BAHADUR PANDIT RAM CHAND KAK : It was not your question.

SARDAR DHIAN SINGH : The translation of the question is incorrect.

SARDAR HARI SINGH : When the Government is bearing a great expenditure in this respect, will it please be stated as to what amount is being spent on the education of the boys?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : It does not arise from this question. You just consider the reply given to you.

LALA HANS RAJ : Since our State is situated in a hilly place where minerals are found in abundance, what arrangements have therefore been made for the students to receive education in minerals on a large scale?

RAI BAHADUR PANDIT RAM CHAND KAK : In the Prince of Wales College Jammu the subject of geology is being taught. This is the only college in the whole of the Punjab where the students can receive education in minerals.

LALA HANS RAJ : I enquire what arrangements have been made for imparting higher education in minerals? Is this education not very necessary, if so, why the students are not trained for it?

RAI BAHADUR PANDIT RAM CHAND KAK : The necessary reply to the question has been given. If there is anything implicit in the question we cannot give reply off hand. I have informed him that arrangements for training already exist.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Reply has been given that the students are being trained.

289. HAJI AHMEDULLAH SHAHDAD : (*a*) Will the Hon'ble Minister-in-charge please state whether it is a fact that Gambling

Stalls are arranged in the Exhibition?

(*b*) If reply be in the affirmative, what steps have been taken by the Government against it? If not why?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) and (*b*) Games of skill only were allowed but when it was found that one of them bordered on gambling it was closed down.

LALA HANS RAJ : Under whose orders the Carnival has been allowed to give its performance in the Parade? Is it not a fact that free gambling is allowed there?

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : The question relates to the Exhibition and the reply has been given.

290. HAJI AHMEDULLAH SHAHDAD : (*a*) Can the Hon'ble Minister-in-charge please state whether it is a fact that the Government have appointed a Doctor as Dentist in the State Hospital near Amirakadal for the people?

(*b*) Is it true that the Dentist has to work for two days a week?

(*c*) If reply to parts (a) and (b) be in affirmative, are Government prepared to appoint the doctor for the whole week in the Hospital? If not, why?

PANDIT RAM NATH SHARMA : (*a*) and (*b*) Yes.

(*c*) The arrangement is working quite satisfactorily for the last so many years and there are no grounds to justify the employment of a whole-time Dentist. The Dental Dispensary however remains open throughtout the week where treatment is provided to patients not requiring expert advice.

HAJI AHMEDULLAH SHAHDAD : Will the pay of the doctor be please stated?

PANDIT RAM NATH SHARMA : The doctor works honorarily. He does not get pay but an allowance is given to him.

HAJI AHMEDULLAH SHAHDAD : How much?

PANDIT RAM NATH SHARMA : The reply will be supplied after enquiry.

SARDAR DHIAN SINGH : I submit whom will an invalid consult when the Dentist surgeon is not present in the Hospital?

PANDIT JIA LAL KILAM : This is unparliamentary.

PANDIT RAM NATH SHARMA : His Assistant works in his place

291. COLONEL ABDUR RAHMAN KHAN : (*a*) Will Government please state the names of those places in Jammu Province where Deodar timber is available for the construction of houses? At what places have the depots of this wood been opened?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Deodar timber is available in all hilly Deodar producing Divisions. In other parts of Jammu Province, there are sale depots at the following places :—

1. Panasa.
2. Dehra No. 2.

3. Kawara.
4. Chandian.
5. Akhnur.
6. Sadarwan No. 2.
7. Pargwal.
8. Bhalwalmolo.
9. Bagh Udo.
10. Hamirpur.
11. Indiri.
12. Chak Sikandar.
13. Pindi Rajpura.
14. Kuli Diena.
15. Gujjan.
16. Bela Bahadur Shah.
17. Thalla.
18. Balkheri.
19. Hill.
20. Chatroah.
21. Ramkote.
22. Jangwan.
23. Mangla.
24. Chechian.
25. Sukhchainpur.
26. Partapsinghpura.
27. Mirpur.
28. Dudial.
29. Kutla.
30. Chak Sawari.
31. Barban.
32. Siakh.
33. Gulpeda.

COLONEL ABDUR RAHMAN KHAN : I had asked in my question the names of those places in Jammu Province where timber can be found. Nothing has been stated about Udhampur District?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Full details have been given thereto. The Illaqa of Udhampur is also included in it.

COLONEL ABDUR RAHMAN KHAN : If the Illaqa of Udhampur is included in it, then the place may please be stated wherefrom the people may get timber?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : There is a forest. They can have it from the forest. No Depot of timber is opened in Udhampur.

COLONEL ABDUR RAHMAN KHAN : Can they get it by themselves.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : No, with

the permission of the Forest Officers. It is different, if they commit theft.

292. COLONEL ABDUR RAHMAN KHAN : (*a*) Do Government know that under the commands of His Highness the Maharaja Bahadur, all trees that grow in the fields of land-owners are considered to be the property of the zamindars and they are entitled to make use of them?

If the reply to the above be in the affirmative, will Government please state why a zamindar of Udhampur who owns land at Batote, is not allowed to bring Deodar wood growing in his land at Batote?

(*b*) If the reply be in the affirmative, will the restriction be removed at once?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) *First part.*—Yes, but the trees cannot be sold to any other person. They can be utilized for their domestic use only.

Second part.—A zamindar of Udhampur owning land at Batote can bring Deodar tree standing in his land to Udhampur for his domestic use under the verification of the Tehsildar and sanction of the Forest Department.

(*b*) It does not arise.

COLONEL ABDUR RAHMAN KHAN : Upto what distant, from the limits of game areas, is shooting prohibited?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : This is a new question. It is not given in the question. This requires a notice.

293. COLONEL ABDUR RAHMAN KHAN : (*a*) Are Government aware that the officials of the Game Preservation Department exercise absolute sway in the neighbouring villages of the game areas? Is it a fact that the officials take eatables, clothes, useful articles, forced labour and other such services from the people of these places who are zamindars, carpenters, weavers, oilmen, Rains, Gujars, Shoesmakers etc. without paying them any price or remunerations?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : *1st part.*—Game officials confine their activities strictly to their legitimate duty of protection of game areas only.

2nd part.—A few complaints but not of the nature suggested by the question were received and on enquiry were found to be without foundation. If the Praja Sabha Sad mentions any specific instance an enquiry will be ordered.

294. COLONEL ABDUR RAHMAN KHAN : Will Government please state what is the fine realized from a zamindar if his cattle enter the boundaries of a game area; and what amount of fine is levied on the zamindar who enters the game area in search of his cattle?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : In Game Reserved Areas a fine upto a maximum limit of Re. 1 per head of cattle is charged if found grazing there.

No fine is realized from the zamindars who enter the Game Reserves in search of their cattle.

COLONEL ABDUR RAHMAN KHAN : What is the amount of fine levied on the zamindars if their cattle cause damage to the forest and how much fine is realized from them if their cattle spoil the crops?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : This is a new question.

COLONEL ABDUR RAHMAN KHAN : Is a fine of Re. 1 levied for the damage of forest and annas 4 for the wastage of crops?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : This is also a new question.

295. COLONEL ABDUR RAHMAN KHAN : Will Government please state that when cows and bulls are exempt from Kahcharai Tax, why the oxen which carry loads and work in the Oil mills are not exempt from the same?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The exemption in the case of cows and bulls has been allowed purely in the interests of zamindars and cannot be extended to animals utilised for commercial purposes.

COLONEL ABDUR RAHMAN KHAN : Why exemption from Kahcharai Tax has not been allowed in case of oxen which bear double labour by carrying loads and working in the oilmills?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Exemption is not allowed for doing the double labour.

COLONEL ABDUR RAHMAN KHAN : But it is not so in practice.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : If you bring some genuine example to our notice, action will be taken on it.

296. COLONEL ABDUR RAHMAN KHAN : Is it a fact that Government have allowed the zamindars to utilize the splinters and dry wood from the forests? If so, what are the reasons for not allowing the zamindars to get splinters and dry wood from the game areas which are situated near the villages? Have not the inhabitants of the neighbouring villages any right over these game areas which are protected by the people on the occurrence of an accident?

(*b*) Will the Government kindly allow the zamindars to get splinters and dry wood from the forests? If not, the reasons may please be stated therefor?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) The answer is in the affirmative, as regards demarcated forests but in the negative regarding Game areas (Rakh). In Rakhs there are no concessions.

(*b*) The answer is in the negative. The existing Rakhs which

are very small in area compared with the area of demarcated forests are urgently required for the protection of game which forms a great attraction to the Visitors to the State. If concessions are granted, as suggested, these areas would cease to be Rakhs.

COLONEL ABDUR RAHMAN KHAN : Should not the people who live near the adjoining game areas, help on the occurrence of accidents?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : They should help because Visitors will come in a large number and they will be benefited.

COLONEL ABDUR RAHMAN KHAN : Do the employees of the Game Preservation Department exact forced labour from the people?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : None exacts forced labour from them. If you can quote any example, action will be taken against such employees.

297. COLONEL ABDUR RAHMAN KHAN : Is it a fact that the Government have sanctioned the construction of a bridge over the Tawi river near village Jaghanon but the same has not yet been constructed? When are Government prepared to construct this bridge in view of the fact that many lives are lost in the Tawi river every year?

PANDIT RAM NATH SHARMA : The preparation of an estimate for a bridge over Tawi river near Jaghanon is in hand. This will be constructed as soon as funds are allotted.

298. COLONEL ABDUR RAHMAN KHAN : Will Government please state the number of Girls Schools in Udhampur and Jaghanun?

PANDIT RAM NATH SHARMA : Two in Udhampur and one in Jaghanun.

COLONEL ABDUR RAHMAN KHAN : What sort of education is imparted to the girls students in the school of village Jaghanun?

PANDIT RAM NATH SHARMA : The question is regarding the syllabus. Reply will be given after making an enquiry.

299. PANDIT JIA LAL KILAM : Will the Hon'ble Prime Minister please state :—

(*a*) Is it a fact that the Glancy Commission has prescribed 'Middle Pass' as the minimum qualification for some posts?

(*b*) If the answer to (a) be in the affirmative, why has the Government not placed those retrenched hands of the State Food Control Department who were in possession of the minimum qualification of Middle Pass on the waiting list and recommend them for absorption on those posts which require Middle Pass as the minimum qualification?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Yes, for posts requiring vernacular qualifications only.

(*b*) Government in ordering the absorption of the retrenched staff of the Food Control Department made a concession and the concession was deliberately confined to persons with the Matriculation Examination as their minimum qalificatïon and to others whose conduct and efficiency were exceptionally good to merit special consideration. To give all retrenched hands with qualifications even below Matriculation the right of re-absorption would prejudicially effect both efficiency and the standard of recruitment.

PANDIT JIA LAL KILAM : May we understand that the posts which are meant for non-Matriculates shall be filled by giving promotion to these persons?

RAI BAHADUR PANDIT RAM CHAND KAK : Unless they fulfil the condition mentioned here, which is that the persons whose conduct and efficiency are exceptionally good to merit special consideration. They don't deserve the repromotion.

PANDIT JIA LAL KILAM : You have not followed me. My question is 'will the policy of the State be not to recruit the persons who have not the Matriculation qualification as their minimum qualification'.

RAI BAHADUR PANDIT RAM CHAND KAK : It applies only to those who have been retrenched from the Shali Department and who will be re-employed.

PANDIT JIA LAL KILAM : You have said something in the tail of the answer (read that portion). My point is does it only include the retrenched staff of Shali Department?

RAI BAHADUR PANDIT RAM CHAND KAK : It includes all those who are retrenched Government servants including those who have been retrenched from the Shali Department staff.

SARDAR DHIAN SINGH : How long will this concession of the Glancy Commission Report be granted and particularly now when the educated Muslims are available?

RAI BAHADUR PANDIT RAM CHAND KAK : It does not arise out of the present question. The question pertains to the retrenched hands.

300. PANDIT JIA LAL KILAM : Will the Hon'ble Prime Minister be pleased to state :—

(*a*) Has the Government in its communication to the Revenue Minister/Hazoor Minister, dated 31st December 1937 declared "Matriculation" to be general minimum qualification?

(*b*) If so, on what authority has the Government done so?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) The date given by the member is incorrect, but a communication to that effect was issued with reference to the re-employment of certain retrenched officials.

(*b*) The minimum qualifications prescribed for clerks other than vernacular clerks and Moharrirs is the matriculation examination *vide*

orders on the Glancy Commission Report.

PANDIT JIA LAL KILAM : Why have they not been recommended for those Moharrir's posts for which matriculation was not the necessary qualification prescribed by the Glancy Commission?

RAI BAHADUR PANDIT RAM CHAND KAK : The reply to that has been given in the preceding question.

MIRZA MOHAMMED AFZAL BEG : Does this reply apply only to the retrenched staff?

RAI BAHADUR PANDIT RAM CHAND KAK : Yes, it has reference only to the retrenched staff.

PANDIT JIA LAL KILAM : My questoin is why should the condition of the retrenched staff has been made worse than of those who have not been retrenched or who will be directly recruited?

RAI BAHADUR PANDIT RAM CHAND KAK : That is a new question.

301. PANDIT JIA LAL KILAM : Will the Hon'ble Prime Minister be pleased to state :—

(*a*) Has any person with the qualification of a middle pass been appointed to a Government post ever since the Glancy Commission recommendations were accepted by the Government?

(*b*) If the anwer to part (*a*) be in the affirmative, why is not then that portion of the retrenched staff of the Food Control Department which is in possession of middle pass qualification appointed to those posts for which middle pass is the prescribed minimum qualification?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Yes.

(*b*) The member's attention is drawn to reply to his question Q. D. No. 387 (*b*).

302. PANDIT JIA LAL KILAM : Will the Hon'ble Prime Minister be pleased to state :—

(*a*) Can a person who has the qualification of being a "middle pass" be even now appointed to a post which requires 'middle pass" as the minimum qualification? If so, why "matriculation" or "special reasons" (*vide* its communication, dated 31st December 1937) are insisted upon in case of that portion of the retrenched staff of the Food Control Department which possess "middle pass" as their qualification?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Yes. As regards the answer to the latter part of this question, the reply given to part (b) of Q. D. No. 387, may be referred to.

303. PANDIT JIA LAL KILAM : Will the Hon'ble Prime Minister be pleased to state :—

Is it a fact that the Glancy Commission has prescribed "primary pass" as the minimum qualification for some posts? If so, why has the Government refused to recommend that portion of the retrenched staff of the Food Control Department which posses-

ses the qualification of being "primary pass" to be absorbed on posts which require "primary pass" as the minimum qualification?

RAI BAHADUR PANDIT RAM CHAND KAK : "Primarry pass" is not mentioned as a minimum qualification in the Glancy Commission Report. The latter part of the question does not arise.

PANDIT JIA LAL KILAM : Are you sure about it?

RAI BAHADUR PANDIT RAM CHAND KAK : In the list of qualifications "primary pass" is not mentioned.

PANDIT JIA LAL KILAM : With due respect, I would say that "primary pass" is given in the Glancy Commission Report.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : You please quote that portion.

PANDIT JIA LAL KILAM : If I have read anything in my life, it is "Glancy Commission" Report.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : If you have read it so carefully, please repeat it.

304. PANDIT JIA LAL KILAM : Will the Hon'ble Minister-in-charge of the Electric Department be pleased to state :—

(*a*) If the Electric Department maintains a cadre of "Electric Telephone Operators"?

(*b*) If the services of these Electric Telephone Operators are seasonal and out of twelve months of a year they are kept in service for not more than six months?

(*c*) If these.....Operators were taken in service on Rs. 24 a month and some time ago their monthly pay has been reduced to twenty rupees?

(*d*) If the answer to parts (*b*) and (*c*) be in the affirmative, does the Government intend to ameliorate their lot, and retain them in service for the whole year and also consider their claims to being appointed to permanent posts in the department, whenever an occasion for so doing arises?

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) No.

(*c*) and (*d*) The question does not arise.

PANDIT JIA LAL KILAM : The answer I have got is quite different from what has been read.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : (Addressing Pandit Ram Nath Sharma) You should give information to the office about the changes which you make in the answers.

SARDAR KANHAYA SINGH : Since how long has it been under consideration and when will a decision be made?

PANDIT RAM NATH SHARMA : The decision will be made shortly.

SARDAR DHIAN SINGH : What do you mean by very shortly, years, months or days?

PANDIT RAM NATH SHARMA : Anyhow, early steps will be

taken to arrive at a decision.

305. PANDIT JIA LAL KILAM : Will the Hon'ble Prime Minister be pleased to state :—

(*a*) It His Highness the Maharaja Bahadur was pleased to command that graduates recruited in any time scale *i. e.* 25-2-55 or 30-3-75 will get Rs. 37 as starting pay if employed in the Secretariat offices and offices of the Central Heads of Departments and Rs. 33 otherwise vide Prime Minister's Circular No. G. B. 74/ C. I. R., dated 27th October 1933.

(*b*) If the Accountant General His Highness' Government in his order No. 182, dated 10th March 1936 enunciated a proposition that no special pay is admissible to a graduate who accepts service in Rs. 20-1-35 or Rs. 25-2-55?

(*c*) If the answer to parts (*a*) and (*b*) be in the affirmative, how has the Government or the Accountant General gone counter to the express command of His Highness mentioned in part (*a*) above.

(*d*) Why should a graduate who is appointed to a post in the grade 30-3-75 be favoured by giving him a start on Rs. 37 but a graduate who accepts a service in a lower grade of Rs. 25-2-55 be denied the same privilege?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) and (*b*) Yes.

(*c*) The Accountant General's order is based on Council Order No. 99 of 1935 which runs as follows :—

"No special salary shall be granted to a graduate who accepts appointment in the grade of 20-1-35. The grant of special pay to a graduate should be continued only to the grade of 30-3-75".

(*d*) The intention of the revised order was to discourage the recruitment of graduates in the lower posts for which persons having lower qualifications are equally suitable.

309. PANDIT JIA LAL KILAM : Will the Hon'ble Prime Minister be pleased to state :—

(*a*) If a graduate who is directly appointed to a post carrying emoluments of Rs. 30-3-75 per month is entitled to a special pay?

(b) Has the Accountant General stated in his Order No. 182 dated 10th March 1936 that a graduate who on his first appointment has been allowed Rs. 25-0-0 in Rs. 25-2-55 grade will not be entitled to Rs. 33 or Rs. 37 or any special pay when promoted to Rs. 30-3-75?

(*c*) Why should a graduate who is already in service be placed in a position of disadvantage when promoted to a post carrying monthly emoluments of 30-3-75 in comparison to a person who is appointed direct to a post of Rs. 30-3-75?

(*d*) Will the Government be pleased to remove this anamoly?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) and (*b*) Yes.

(*c*) The special pay was allowed when it was considered that their recruitment to the grade of 30-3-75 should be specially encouraged and their recruitment to grades below it should be discouraged. There is no special disadvantage caused by denial of the special pay to a graduate when he is promoted from a lower scale to the scale of 30-3-75, in view of the fact that he is already in a lower scale without any special pay.

(*d*) The question however of continuing special pay to graduates and the conditions subject to which such continuance may be allowed will, however, be examined.

307. LALA RAM LAL VAKIL : (*a*) Is it a fact that in reply to one of the questions it was stated in the last session of the Praja Sabha that the matter, regarding 'Koriana Rasum' charged at Kohala customs post, is under the consideration of His Highness the Maharaja Bahadur?

(*b*) If the reply to part (*a*) be in the affirmative, the decision arrived at may kindly be stated.

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) No final decision has been reached so far.

LALA RAM LAL VAKIL : When should we expect the decision?

PANDIT RAM NATH SHARMA : Enquiry will be made and decision will be given very soon.

LALA RAM LAL VAKIL : I don't mean the enquiry. What do you mean by 'very soon'? A year or a couple of years?

PANDIT RAM NATH SHARMA : If time can be fixed then it may take ten years to arrive at a decision.

SARDAR DHIAN SINGH : Sir, is the reply not unparliamentry that a decision will be given after ten years? Is it not an insolent reply?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : However the decision will be given very soon.

308. LALA RAM LAL VAKIL : (*a*) Is it a fact that an explanation was demanded and a warning served upon the Poonch officers in connection with the case of sacrilege committed by one Mohammed Din (Sub-Inspector of Police posted at Kotli in Jammu) in 1994.

(*b*) If the reply to part (*a*) be in the affirmative, it may please be stated why the matter regarding the explanation etc. from the Poonch officers was not brought to the notice of the Raja Sahib of Poonch.

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) It is not a fact.

LALA RAM LAL VAKIL : It is given in the reply that there is no such reason and it has also been stated that it is not a fact. Can

it be called a reply?

WAZIR FEROZ CHAND : Because you have written in your question "why the matter regarding the explanation etc. was not brought to the notice of the Raja Sahib" and we say that it is not a fact.

LALA RAM LAL VAKIL : It means that it has been brought to his notice.

WAZIR FEROZ CHAND : Yes.

309. LALA RAM LAL : (*a*) Is it a fact that the Hindus protested against the Hindu member on the Glancy Commission and stated that he did not represent them?

(*ii*) Is it also a fact that inspite of this protest the Government allowed the member to continue on the Commission?

(*b*) If the reply to (*a*) be in the affirmative, can that member be considered to have represented the Hindus or not? If so how? The reasons may be stated in detail and it may also be stated whether under these circumstances the Glancy Commission Report can be applied to the Hindos? If so how, the reasons may please be stated.

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Communications were received from some Hindus both for and against Mr. Prem Nath Bazaz who was a member of the Glancy Commission. These communications were duly considered by Government who however decided that in view of the conflicting opinions no action was necessary.

(*b*) In view of the reply to part (*a*) of the question, the other parts of the question do not arise.

LALA RAM LAL VAKIL : Were the applications submitted by the people of Jammu Province, against him?

RAI BAHADUR PANDIT RAM CHAND KAK : I don't know.

LALA RAM LAL VAKIL : It means that there was no representative from Jammu Province, whether Pt. Prem Nath Bazaz did not represent the people of Jammu? The reply may please be given?

MIRZA MOHAMMED AFZAL BEG : Do Government think the recommendations apply to Hindu community. The reasons may be stated in strength of it whether under these circumstances the Glancy Commission recommendations can be applied to Hindus?

THE HON'BL DEWAN BAHADUR N. GOPALASWAMI AYYANGER : So far as application of Glancy Commission Report goes, what applies to either Hindus or Mohammedans are the orders which His Highness passed on that report.

MIRZA MOHAMMED AFZAL BEG : I thought if it did not apply, then minimum qualifications may be fixed for other communities. (Laughter)

310. LALA RAM LAL VAKIL : (*a*) Will the Government please state whether in the agitation of 1988, the Poonch Govern-

ment proposed to get the sufferers of Thakyala Parawa compensated by the agitators?

(*b*) If reply to (*a*) be in the affirmative, it may please be stated what the amount of the compensation proposed was? It may please be stated whether this amount was paid to the Hindus or not? If not, why? The reasons may be stated.

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) The amount of compensation proposed by the Magistrate Mr. Sant Ram Baru deputed on duty to that side was about eight lacs.

The question of recovery of collective fines was dropped on the advice of His Highness' Government.

In view of the above the last portion of the question does not arise.

311. LALA RAM LAL : (*a*) Is it a fact that the houses and other property of the Hindus of Thakyala Parawa were ruined in the agitation of 1988 and the Poonch administration advanced tacavi loans to the sufferers by way of help and those people have not so far been able to reply the loans on account of their poverty?

WAZIR FEROZ CHAND : Yes. 2/3 of the money advanced to the sufferers on account of Tacavi has since been recovered.

LALA RAM LAL VAKIL : Will Tacavi loans which have not been collected so far be remitted?

WAZIR FEROZ CHAND : It is not a question of remission. Two-third of the loan has been realized and there remained only one-third of the loan which will gradually be realized.

LALA RAM LAL VAKIL : I ask whether it will not be remitted as in reply to a question regarding the people of Jammu it was stated that in connection with the payment of Tacavi loans enquiry will be made with regard to the poverty of the people. Will some enquiry be instituted to ascertain whether same is the condition of the people in Poonch also?

WAZIR FEROZ CHAND : Tacavi is recovered gradually?

LALA RAM LAL VAKIL : Will not an enquiry be made as it was made in Jammu?

WAZIR FEROZ CHAND : It is not essential to follow everything.

312. LALA RAM LAL VAKIL : (*a*) Will the Government please state what is the total number of buffaloes in Poonch? Is there only one Veterinary Sub-Assistant Surgeon and one Compounder for the whole Illaqa?

If not, is the Poonch Administration prepared to appoint one Compounder in each Tehsil, for the present, to supply medicines and save these dumb animals from death?

WAZIR FEROZ CHAND : (*a*) Total number of buffaloes in Poonch is 73,737. Yes, so far as the second part of the question goes.

The Poonch Administration has deputed a candidate on Illaqa expenses to receive Veterinary Assistant's training at the Veterinary College, Lahore.

(*b*) No.

The present Veterinary Assistant has been directed to draw his tour programme to see each outlying Tehsil atleast once in six months and render the required help to the sufferers. The question of engaging additional staff as suggested in the question can be considered only when finances permit.

In view of the above the last portion of the question does not arise.

LALA RAM LAL VAKIL : I have not asked who has been sent for training but what I enquire is whether one Veterinary Assistant is sufficient for the Illaqa? Why an additional Compounder is not appointed?

WAZIR FEROZ CHAND : It is receiving consideration.

LALA RAM LAL VAKIL : What is the use of "consideration" to the poor animals?

SUBEDAR KHAN MOHAMMED KHAN : Has the Wazir Sahib received any applications regarding the appointment of one more Compounder?

WAZIR FEROZ CHAND : We receive many applications but when there will be any vacancy, it will be filled up by a Compounder.

SARDAR DHIAN SINGH : What is the difficulty in appointing a Compounder when the applications have been submitted to the Wazir Sahib? It is not a big problem?

WAZIR FEROZ CHAND : We shall try to appoint another Compounder.

313. LALA RAM LAL VAKIL : (*a*) Will it please be stated what the annual expenditure on the salary of the Veterinary Sub-Assistant Surgeon, Poonch, and his establishment is? What is the cost of medicines purchased for the buffaloes?

WAZIR FEROZ CHAND : (*a*) The amount of expenditure on the salary of the Veterinary Sub-Assistant Surgeon, and his staff as also on the purchase of medicines comes to Rs. 1,380 and 380 respectively.

LALA RAM LAL VAKIL : Are medicines costing Rs. 380 sufficient for seventy three thousands animals?

WAZIR FEROZ CHAND : No such complaint regarding the exhaustion of medicines has been made by the Medical Officers. It will be considered if there is any such complaint.

314. LALA RAM LAL VAKIL : (*a*) Is it a fact that a resolution regarding grant-in-aid being given, according to rules, to Dhani. Putri Pathshala and the Putri Pathshala at Dharamsal Taroti was placed in the Praja Sabha and sanction was accorded to the payment of the grant-in-aid from 1st Katik 1994?

(*b*) If the reply to part (*a*) be in the affirmative, it may please be stated why grant-in-aid has not so far been given to the two Putri Pathshalas sanctioned in part (*a*).

WAZIR FEROZ CHAND (*a*) Yes.

(*b*) The question of introduction of grant-in-aid rules into these Pathshalas is under correspondence. As soon as it is finally decided grant-in-aid will be granted according to the rules.

LALA RAM LAL VAKIL : What is the question of correspondence?

WAZIR FEROZ CHAND : Correspondence is going on with the officers.

315. KALOON LABZANG CHEWANG : (*a*) Is it a fact that on the auspicious occasion of Raj Tilak, the liabilities against the Tehvildars of Illaqa Ladakh, Leh etc, had been remitted?

(*b*) If reply to part (*a*) be in the affirmative, it may please be stated why the liabilities against Agram Joo, deceased, of Kathyala had not been remitted for which his property was confiscated?

(*c*) If reply to part (*b*) be in the affirmative, will the successors of Agram Joo be exempted from the payment of the amount and their property be returned to them? If not, what are the reasons therefor?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Enquiry into the matter has been started and the information asked for will be supplied later on.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The resolution moved by Mr. Dobey yesterday and supported by Major Atta Mohammed be taken up now !

SIR LAL GOPAL MUKERJI (Hon'ble Law Minister) : Sir, before Resolution No. 4 of yesterday is brought under discussion, I would like to state the Government attitude. Possibly, this will restrict the discussion to some extent.

My hon'ble friend Mr. Dobey has moved that in villages, where there are uncultivated areas outside the forest limit, such areas be declared as Shamilat-Deh. He referred to a Notification that was published in the Government Gazette, which he made the plank for the discussion. I read that Notification in English because I have no Urdu copy with me.

"In villages where there is at present no land entered as Shamilat and where the common land in the vicinity of the village site is now entered as Khalsa, this land shall hence-forth be shown as Shamilat-Deh and the village concerned shall jointly be awarded the same rights therein which they possess in their holdings".

I would submit, Sir, that the language in which the Boon is couched is not intelligble, at least to me. If other friends of mine have understood it they will please explain it.

My hon'ble friend Mr. Dobey will admit that the Boon does

not stand now, even as it is worded. It has been amended under His Highness' Commands, who alone can amend it further. His Highness' Commands are binding upon us. They are published in the State Gazette of 25th February 1926. I have not been able to follow even this.

The author of the Raj Tilak Boon has made no distinction between common-land and Khalsa-land.

It is common knowledge that common-land cannot be considered as Khalsa-land. The two words are in conflict with each other. Thus the Boon has been rendered meaningless, in as much as it means that common-land and Khalsa-land be entered as Shamilat-Deh. It is not known what the author had in his mind at that time. According to his explanation a man holding hundred kanals of cultivated land was to be given 20 kanals from the Khalsa area.

The Rule, that is now followed, is that if a person holds hundred kanals of cultivated land he is given an equal area from the Khalsa -land. This practice has been in vogue for several years.

Though I have very little experience of this State yet, with all that, I have had to decide many cases about Raj Tilak Boons. The people did not rely upon the explanation of His Highness' proclamation, as given in the Government Gazette of 25th February 1926, nor could they follow its meaning. Several papers have been placed before me and this explanation, if correctly followed, will render Mr. Dobey's speech meaningless. In the days of Hindu Rajas land was considered to be the property of the Raja. The tenants cultivated it and got a share of the produce. The rest used to go to the Raja. Similarly in the days of Muslim Rulers Akbar and other Moghul kings, the produce was collected and sold. The proceeds were deposited in the treasury. The tenants got five per cent. by way of "Mustajari" rights. When the British Rule began they too followed the same practice. They did not know whether the "Mustajur" was the owner of the land or lease-holder because in their mother-land-lords were considered owners of land. Subsequently they declared the tenants as owners of land and granted them proprietory rights.

Recently one of the Ministers of the U. P. Government stated in that Assembly that they were merely collectors of land-revenue and not the owners of land. The zamindar members of that Assembly took exception to this statement and said—

"We are not the collectors of land-revenue but we are the proprietors".

The Minister then said that they were simply repeating the history.

Even in this country, land was in the beginning considered to be the property of the State and the tenants were considered as

"Assamis". Subsequently His Highness granted them proprietory rights. The rights of the subjects of this State were extended so much, by degrees, that we can hardly find a parallel in the adjoining province of the Punjab, may in the whole world, of concessions and Boons having been granted to the zamindars so liberally. The explanation was added to the Boon under His Highness' command.

My hon'ble friend Mr. Dobey stated that explanation has not been made correctly, and it goes against the original proclamation of His Highness. The explanation that was published in the State Gazette of 25th February 1926 was necessary and this was done under His Highness' own orders. According to this order a zamindar holding a certain area is given an equal area from the Khalsa land as Shamilat-Deh. Any demand for a greater area would go against the orders of 25th February 1926.

SARDAR HARI SINGH : Sir, as regards this resolution which states that in villages, held by land-owners, uncultivated Khalsa areas, outside the forest limit, be declared as Shamilat-Deh, I submit that whatever has been asked by Pandit Sahib in the resolution, is quite proper and legitimate. In the beginning cultivated areas were entered as the property of the land-holders and the uncultivated areas were shown as Khalsa land. In 1926 even the Warts and Banahs (Embankments) two or three karms in width, stretching around the fields of a zamindar were also declared as the property of the Government and wherever there was an acre of land or so it was entered as the Khalsa area. In the Settlement of 1905 small tracts of land and embankments were declared as holdings of the land-owners, but two hundreds acres of land still remained in the possession of the Government. The Raj Tilak Commission was appointed for the purpose and in order to get information it called for the opinion of the concerned subordinate officers. At last it was decided that cent per cent of the uncultivated area should be included as Shamilat in the lands owned by the zamindar. Besides, instructions were issued that the area lying amidst the adjoining villages and the pastures be declared as Shamilat-Deh.

Sir, there was a large area of the Khalsa land excepting eight or ten villages. Tehsils Mirpur, Bhimber, Akhnoor and the Illaqa Karaido, Samba, Ramnagar, Basohli and Kashmir Province, have according to the recommendations of the Glancy Commission been recognized as the property of the land-owners. It means that there is at present no such village in which the rights of proprietorship have not been granted to the zamindars and during settlement all the areas whether cultivated or uncultivated, and forest except the area Nehrai B. in the above mentioned villages have been thoroughly surveyed. The object in placing this resolution before the House is that excluding the boundaries of forest all other areas should be

put in the possession of the zamindars. It means that all the areas which are at present included in the Forest limit may be excluded from the Khalsa area and instead, it may be brought under the ownership, of the cultivators. It is a fact that when His Highness the Maharaja Bahadur has very kindly granted hundreds and thousands acres of uncultivated areas to the zamindar, it would be still more gracious to award these lands which are just outside the forest limits.

Sir, I will state that instead of putting the area under the ownership of the zamindar it should better be kept under the proprietorship of the Government. It will be useful for both the Government and the zamindars. Hon'ble members of the House might be remembering that this very resolution was passed during the last year's session. At present I will request that a Commission may be appointed which will institute an enquiry and submit its report in respect of the causes as to what could be the means which may help in checking the deluvion of the cultivated areas.

So far as I have come to know from the Forest Officers and the reports of the experts and by my experience, I will state that deluvion can be checked by planting trees at the mouth of the Nullahs. Without forests and embankments the Nullahs are suddenly inundated in the rainy season and the areas which lie within their reach are generally washed away. But where there are forests and thorny shrubs water does no cause great damage as it cannot flow rapidly.

If in view of this fact the Commission would made its recommendation in report that forests may be grown at the mouth of the Nullas then an area of hundreds and thousands of acres will be brought under the plough. For instance the area of Khalla Kala which extends over twenty miles and is 5 miles in breadth, is lying barren. If this area is chosen for forest then hundreds of acres of land will escape from diluvion and the zamindars will also be able to get timber and grass from it. Efforts are being made to plant forests in places where there are barren and uncultivated lands. But so far as the activities of the Forest Department are concerned, it has not grown any new forests but in spite of this, it sells out the trees of the old forests and thus brings revenue to the State. Had the Forest Department planted forests in these uncultivated areas then such circumstances would never have come into existance. Instead of giving some benefit to the zamindars of villages, the timber of the forest is brought to Jammu and is sold there.

I submit if these areas are declared as Shamilat-Deh, then at the time of planting forests in these areas the Government will have to pay a great compensation to the zamindars and there it will have to bear large expenditure. Besides, it will have to spend a lot of money growing forests.

I have forgotten to state that besides this these areas can also prove of great utility to the people as well as to the Government. I want to state that these areas should be fragmented into small holdings and be divided amongst the needy persons provided they promise to plant forests in these areas. But rather those person who are non-agriculturists and who wish to possess such areas they may also be allowed to bring these lands under their possession.

The hon'ble members might have seen a beautiful pretty forest stretching out on a small area in a village of Rajputs which is situated on the Western side of Nagrota on the Banihal Cart Road. There was previously a barren land and still beside it is lying a vast span of barren and uncared for land. I mean to say that if Government wants its coffers to be filled then it should devote its attention towards the plantation of forests.

In the end I beg to submit that when I was appointed in the Government Service I had suggested a scheme for Mirpur Tehsil. But on account of my retirement the scheme could not be launched.

In view of the above circumstances I oppose the resolution.

MIAN AHMED YAR : Sir, as regards the resolution moved by my hon'ble and learned friend Pt. Ram Chandra Dobey, Leader of the Liberal Group, I want to submit that if you peruse the lists of questions and resolutions asked during the last years' sessions, you will see that several questions and resolutions have been put in this connection before the House. In reply to these questions the late predecessor of the present Hon'ble Revenue Minister who on behalf of the Government stated that as land had been considered as the property of the Government, therefore, (contrary to the practice in the Punjab) the Khalsa area was not entered as village-land or Shamilat-Deh. It is well known fact that all the classes of people who live in the State believe that the Boon which was declared by their beloved Ruler at the time of coronation was just in accordance with the needs of the subjects and was intended for their prosperity. But the explanation of the proclamation which was made afterwards was wrong. It is true that the present Revenue Minister has recently come to the State and therefore he is not well aware of the local conditions of the country. But the ex-Revenue Minister, who had given the above mentioned reply to our questions was perfectly acquainted with the local conditions because in the beginning he was appointed on the post of a Naib-Tehsildar in the State and from this post he rose to the higher rank of a Revenue Minister and therefore he had acquired enough knowledge in Settlement work. He knew fully why the Khalsa land had not been entered as Shamilat-Deh. The commands of His Highness the Maharaja Bahadur were quite clear and without any complication. They were further elucidated by the

authors of the Boon and they had intentionally put in the words "apartment of village" so that there might not arise any chance of inter-village quarrels. The Boon was composed in excellent words but the explanation subsequently made was quite unnecessary. In fact this attempt was made only to restrict the original orders to a certain limit and to injure the interests of the zamindars. It is plainly given in the Boon that all the Khalsa area which is in the vicinity of any village site may be included in the Shamilat-Deh. I submit that neither was any report called for by His Highness' commands nor did His Highness issue any command that the order should further be elucidated. Very often the complaints of the people have been put before the House by their representatives that the poor zamindars have been deprived of the right which had very kindly been awarded to them by His Highness the Maharaja Bahadur.

Sir, our esteemed and aged friend Moulvi Mohammed Abdullah has also asked many questions in this connection and several times resolutions have been moved to the effect that the right granted under the Boon is not being allowed to the people living in the villages. But the Government has never given a satisfactory reply to these resolutions. We think, it is our good luck that at this time the resolution has succeeded in the ballot. Now we have an opportune time to express our ideas before the House and hope that our voice will surely reach the ears of His Highness and will receive sympathetic consideration. We do hope that Council too will pay a favourable consideration to the matter when it will be taken up in the meeting for discussion. It is true and we cannot expect the Council to be aware of every trivial matter or to be fully in touch with the local conditions. Now have we to see as to whether the elected members or their representatives can submit the local conditions of their respective Illaqas to His Highness through the Council. But at the same time it should carefully be noted as to who pleads the cause of the people in a sincere way and who submits their complaints to His Highness. Even if it is enquired from the people they too say that the elected members can represent their cause in a right earnest way.

At present the Governments of all the countries of the world have fallen victim to one flaw and this flaw has turned into a contagious disease. I mean to say that Governments desire to raise the standard of their administration and enhance the means of their income so that big posts may be created and the income may also be spent on the fat salaries. By going through the French and British Governments Budgets, it appears that the Governments try their level best to increase their resources but they spend the income on works of public utility. Despite the fact our State spends a lot of its income on big salaries and thus the resources of

income of different departments are being exhausted. For instance, Sardar Hari Singh has stated that the Forest Department cut down the old and whithered trees in order to show increase in the revenue of the State. They fell the trees to fill the State treasury with the income thus enhanced. But in reality it is no income. Similarly in order to gain more profit from the land, the Revenue Department has begun selling the Khalsa areas and this has been considered as the real means of income. In spite of giving opportunities to the zamindars to make Chak and Nautor and cultivate the Khalsa lands and the barren areas, restrictons have been imposed on them and they are being deprived of the areas for which they have prior claims. They are being told that such and such areas have been reserved for including in Forest meadows and paths and they cannot be brought under cultivation. I submit that the zamindar is passing through such hard times that even by the mistake of the Patwari or the Surveyor, he loses the possession over his own cultivated land. Sardar Sahib has also stated that it is a general complaint that owing to the mistakes of Patwaries, Khasra numbers have occasionally been entered in the records as Khalsa area and land in the possession of people has been entered as a common land. There are several such instances which show that cutlivated areas of the zamindars have been intentionally entered as Khalsa land. By this fact it appears that the Patwaris declare such areas as Khalsa land even at their residence. Instead of entering Khalsa lands as Shamilat-Deh, the Patwaris show their holdings as Khalsa area. To remove all these new difficulties it is very essential that zamindars should be awarded the right of acquiring the Khalsa areas. But practically it is not done.

The other point is that under Rule No. 6 the zamindar is entitled to the privilege of possessing a Chak. When he makes an application and tries his best to get the Chak, and when he obtains sanction of forming any area into a Chak, the land is put to auction and claims of the zamindar who has undergone all the trouble for obtaining the sanction, are ignored. In order to remove all these difficulties it is very necessary for the administrators and the councillors of His Highness that the zamindars should be allowed to cultivate the Khalsa lands.

As stated by Sardar Hari Singh it can also be suggested that certain area can be reserved for forests and Nullahas. There are several large tracts of land around the villages. If these areas are awarded to the zamindars for cultivaton, the Revenue of the State can be increased immensely. We do not find any reason why some steps are not taken on the scheme which is beneficial to the Government as well.

An illustration has been quoted by the learned and well experienced Hon'ble Revenue Minister that according to the code of

Manu Smiriti, Raja is the owner of land amongst Hindus. I want to submit that the Muslim monarchs had not taken the question of ownership of land into consideration. But rather they had enforced the practice that zamindar could pay a part of the produce as land-revenue to the Government so that the zamindar might not be put to any inconvenience in selling out the produce and in order to provide facilities in acquiring lands they had granted concessions to the zamindars.

The king is just like a fountain and as the water from sea evaporates and pours down from the sky again in the form of rain, similarly the Raja treats his subjects. He collects some money from his subjects and then again he spends the money on the works of public utility. In olden days land was utilized for the works of public good. No restrictions were imposed and there was no question of the proprietory rights between the zamindar and the cultivator. There was absolutely no comparison of the practice enforced with that of the olden days. In the reign of Muslim kings ownership was considered on the basis of possession of land and thus the question of proprietorship was quite different from the principle of proprietory rights of to-day.

Subsequent to this, in view of the growing needs of the subjects, His Highness the Maharaja Bahadur was pleased to grant concessions to the zamindars for acquiring land and according to Ailan No. 17 the concessions which were granted were allowed in view of the fact that the population in the State was speedily increasing day by day. As we thoroughly study the census Reports of the years 1901, 1911, 1921 and 1931, we come to know that the population has increased from seven lacs to thirty-three lacs. It was therefore announced by the Royal commands that as the needs of the zamindars are increasing day by day, therefore more lands should be awarded to them. At that time the administrators and councillors of the State showed a great regard for the true needs and the sentiments of the people and they should have run the machinary of the administration with the same energy and zeal. But alas ! it is not the case to-day. As the members of the Council have heard the speeches, we therefore hope that they will have regard of our opinion and keeping in view the discussion on this resolution, they will tender proper advice to His Highness and we do hope that out of his solicitude for his subjects His Highness will issue His Royal commands in this behalf.

Besides, I will submit that the above-mentioned inconveniences which are generally being borne by the zamindars are not restricted to a particular Illaqa but these have rather prevailed all over the country.

I would like to say something about the constituency which I represent. A great difficulty is being experienced in the Illaqas of

Karnah, Dana and Teetwal and especially the people have to encounter many difficulties and inconvenience at the hands of the Patwari. A zamindar who cultivates the Khalsa land in accordance with his desires or the license, is never put to any trouble but if perchance the Patwari is displeased then he submits a report against the zamindar who is prosecuted in the Court and has to traverse a long journey to attend the court and conduct his case. Such treatment is meted out to the zamindar who fills the coffers of the Government. Acting upon the resolution all these difficulties will be put to an end, the revenues of the State will probably increase and the difficulties of the poor zamindars will end. Besides unemployment among the zamindars will also be removed.

The resolution which has been moved by the Hon'ble Leader of the Liberal Group in fact voices the sentiments of the poor zamindar, and of the whole country. It will not have any adverse affect on the Government but will rather prove useful to it. If if is necessary to reserve some areas, then these areas which are lying within the forest limits may be kept apart. Graveyards and roads may also be left out. I therefore, strongly support the resolution and request the Hon'ble Ministers to pass the resolution and thus have the blessings of the poor.

PANDIT JIA LAL KILAM : Sir, the members of the Conference Group claim that they are the only helpers of the poor people and they are always seen talking tall about it whether in or outside the Hall. They also say that if there is any cause of public unrest in different countries it is the awakening of the poor and their poor lot and in the same breath they proclaim that Conference party is the only body which represents the cause of the poverty-stricken people. But by the speech of Mian Ahmed Yar made in favour of the resolution it has been proved that he is a Capitalist and his sympathy for the poor is all a hoax.

It is inferred from the resolution that more lands should be given to those zamindars who are land-lords. There are already big land-owners in the State but in spite of this it is being endeavoured that they should be granted more lands. But my friend should know that at present if there is any acute problem before the Government it is the problem of the people of the landless class and therefore all of them are trying their best to solve the problem.

It is a fact that we are rebuked in speeches, we are dubbed as todies, we are called reactionaries and we are blamed for not taking interest in the affairs of the country. You may say what you can but subsequently you will come to know by yourself that you were wrong in your assumption. I enquire from you who represent the big land-lords, that have you ever thought what will become of the helpless people belonging to the landless class. I

believe that those who have a bit of intellect and faith in God, they will not speak in favour of the resolution and like a reasonable man I also oppose the resolution. I submit that if any country is afraid of any class, it is from the landless class and this very question has alarmed the whole world. But apart from giving them any help you have resolved to put them to destruction.

MR. M. A. BEG : Have you convinced the Prime Minister?

PANDIT JIA LAL KILAM : Sir, I dont claim to know the Prime Minister, nor do I know you. I am speaking out the truth that landless class is a source of danger and this should be avoided. Anybody who knows even the rudimentary principles of Economics will bear me out.

MR. M. A. BEG : But have you read the Glancy Commission Report?

PANDIT JIA LAL KILAM : I have read the report. I have read your heart as well.

Sir, the second point I want to discuss is with regard to the Unemployment Commission Report. By its study it appears that the members of the Commission have stated that unemployment in the country can only be removed if new means of subsistence are brought into existence. In my opinion grating of land to the unemployed persons is also one of the new means of livelihood.

I have stated in the beginning that at present the problem of landless class and land owning class is the main cause of disturbance in the world. May I ask the torch-bearers of liberty and the protagonists of the cause of the country where shall the poor people of landless class go when you divide the plots of the Khalsa land among the zamindars. The Muslim Conference party is always taking pride on the love it professes to have for the poor.

MAJOR MIRZA ATTA MOHAMMED KHAN : We demand our rights.

PANDIT JIA LAL KILAM : You demand your rights, but the time is coming when they will fall to the lot of those who are best suited for them.

I request that in view of these circumstances the Government should chalk out some schemes for the improvement and amelioration of the people belonging to the landless class whether they may be Hindus or Muslims. It is necessary for the Government to keep the Khalsa lands in reserve because the lands which are recorded as Shamilat lands these are already in possession of the landholders and if the land-owning class lay hand on these lands also then I want to know where from land will be provided to the poor people.

I hope that whosoever has any feelings of sympathy for the poor people will surely oppose the resolution. A few days ago, Mr. Beg had asked questions in the House regarding the removal

of unemployment amongst the people. I want to state that if in reality he desires that unemployment should be removed and the condition of the poor people improved then he should not have agreed to more lands being given to the zamindars. Rather he would have liked to make the land-owning class the landless class. This can only remove the unemployment in the Country and improve the lot of the people. With these words I strongly oppose the resolution.

SHEIKH ABDUL HAMID : Sir, in connection with the resolution moved by Pandit Ram Chand Dobey, I want to invite the attention of the hon'ble members to some points. One of these points is that first of all, that is, before the reign of the present ruling dynasty, the political condition of the State was quite different. The districts of Mirpur and Muzaffarabad were ruled by the two different Rulers who were considered as the sole proprietors of the land. To award land to the zamindars for cultivation or to deprive them from it, depended entirely on their sweet will. Such was the practice in vogue then. Subsequently when this Illaqa was brought under the Rulers of the present ruling dynasty, a system of settlement was introduced and new principles were put into practice. I will submit that at the time of coronation of His Majesty the king Emperor, the zamindars who as occupancy tenants used to cultivate lands over which the Government had stamped their proprietory rights, were awarded the right of occupancy tenants. Afterwards when our beloved Ruler sat on the throne he, according to his Ailan No. 17 which was pronounced at the time of his coronation, granted the rights of ownership of land in favour of those zamindars who were previously just the occupancy tenants. Before this proclamation of 25th February 1926, there were no Shamilat areas in villages and if there were any such areas, they were entered as 'Khalsa' and the zamindars had to feel a great inconvenience in grazing their cattle. In view of these difficulties, it was ordered that some areas should be granted to the zamindars as Shamilat-Deh. I submit Sir, that when this scheme of granting proprietory rights to the zamindars was under consideration they had since long managed to transfer thousands of acres of land. It was also proposed by the hon'ble members of the Muslim Conference party and others that nobody should transfer more than one-fourth of the entire holding. At last this suggestion was put into proctice. Therefore I ask if the present resolution is accepted and if all barren and uncultivated areas which are lying within the village limits, be annexed with these villages, then there will naturally be an increase in the holdings of the zamindars. Apparently it looks very sound but in fact it will inflict a great loss. It will increase the holdings of the zamindars who already own lacs of kanals of land, which are under cultivation. It is certain that in view of the rule regarding

the transfer of one-fourth of land, they will surely bring the Khalsa area in their possession and will sell when need be. The villagers are always in need of money. Sometimes they are involved in a law suit for which they require money and very often they have to spend good amounts for their marriages and therefore in order to make the mare go they sell out their lands on such occasions, while on the other hand, the buyor would never like to have plots of barren land from the Shamilat-Deh. He will always want that he may be given a part of the land from the cultivated area of the seller. It shows that a zamindar will thus permanently be deprived of his land. This is one of the reasons on the basis of which I strongly oppose the resolution.

I want to call the attention of the House to another fact that unemployment is rapidly increasing. A scheme is under consideration of the Government and with regard to it which several questions have been asked in the House also. It is known to every body that Government wants to remove unemployment among the people. The scheme reveals that all the uncultivated and barren areas which are included in the Khalsa areas will be divided amongst the unemployed people in accordance with their needs. If these areas be included in the villages then the Government would not have any area for the unemployed persons. In view of this I will therefore submit that irrespective of the fact that number of educated unemployed persons is greater amongst Hindus, we should not oppose the scheme. Suppose the number of educated unemployed persons is greater in the community of Kashmiri Pandits and the barren land will be divided amongst them their Muslim Brethren should know that educated unemployed Muslims too are not less in number. As regards their population, the educated unemployed persons are also not less in their community. Rather their number is increasing every day. If however these lands will be given to Kashmiri Pandits, Muslims will also be granted the area in future. I mean to say that it is very necessary to keep such lands as a means of livelihood for the unemployed persons. I will also tell my zamindars friends that they should know that Government has not clearly decided that these areas will exclusively be given to the educated persons and not to the uneducated people. They will also know that education is making progress in the villages as well and Government too is taking keen interest in imparting education to the villagers. It is just possible that there may be unemployment among the children of the zamindars. At that time they will also have the right of acquiring land from the Government. I may therefore say that it is most sound scheme of the Government. The Ministers do not want to keep these land for themselves nor have they been reserved for the big officers. Therefore, in my opinion, it will be more useful if these areas are reserved for the

unemployed people.

COLONEL ABDUR RAHMAN KHAN : Sir, this was an ordinary point, but by prolonging the discussion ample time has been spent on it. The Ailan No. 17 was declared in the centre of the auspicious palace on Baradari. Major General Janak Singh Ji read it out in the presence of His Highness. I also was present there. The Ailan was that land lying outside the forest limits should be given to zamindars. It was the duty of the Revenue Officers to work it out. The poor zamindars could do nothing in this behalf. Those who opposed it want to usurp the rights of zamindars. They live a luxurious life in cities, and wish that the zamindars may live in slavery. By way of illustration I would submit that there are some such cases in Udhampur before the Waziri-Wazarat and the Tehsildar. Some two or four kanals of land are under the compound of one person while the other person says that it is for 'Arak'. The officers go on the spot and demarcate it. This means that there are such kind of disputes. Dobey Sahib has moved a good resolution. It is useful. It is not harmful for any one. This was already proposed by His Highness the Maharaja Bahadur twelve years ago, on that sacred day. It is therefore incumbent on us to have respect for it. But his intention was not carried out. Questions regarding this were asked in all Sessions. Mr. Kilam has suggested in his speech that land should be given to those who have got none. Perhaps he will include with them those who have never seen a plough. They cannot understand properly what a plough means. A man living in Mirpur, if given two or four kanals of land in Ramban, what benefit can he derive from it. It is an admitted fact that charity begins at home. Is this justice to snatch the right of 90 per cent. people and give it to undeserved persons? If the number of non-agriculturists educated unemployed is increasing, unemployment is increasing among zamindars also. The people of cities are brought up in a bad climate. In comparison to this the population is increasing in villages.

My learned friend Mr. Dobey has explained clearly the Ailan No. 17, as issued by His Highness the Maharaja Bahadur. The areas under discussion have been granted to the zamindars of the village, according to the said Ailan, and it is in their possession. If the Revenue Officers, in accordance with the said Ailan, have not made entry in the records, so far, of these areas under the name of the zamindars of any village, it does not effect adversely their possession and their rights. These officers should fulfil the benevolent wish of His Highness without any further delay.

Some hon'ble members of the Praja Sabha have suggested that such areas should be preserved for educated unemployed young men. This experiment will prove not only difficult but it will be a cause of unnecessary disturbance and quarrel in quiet and peaceful

villages, and this will be a sheer injustice in the case of those zamindars who have been granted these areas since the coronation of His Highness. These areas have been in the possession of the zamindars since long. I have got deep sympathy with the educated unemployed youngmen. In my opinion Government can find out such avenues for their living, as will satisfy them as well as the zamindars.

Mr. President! Those areas of the Government lying outside the limits of the forests, which have been entered as the property of the village should be considered as common-land. I support this proposal strongly, and submit the following very briefly :—

I am living in rural area, in a hilly tract of the Jammu province. It is a valley in which there are some villages which have got no forests in their neighbourhood, and the villages which are situated on mountains have got big forests and scattered population, washed away areas and pastures in the villages of the valley are entered as Government land, which according to the Ailan issued at the time of coronation should have been declared as common-land. But this was not done, and the common-land was kept in a certain ratio to the cultivated land, by which the poor zamindars got no relief, because the sole agent of doing this was Patwari. There was no proportion fixed in the Royal mandate. This intricacy has been created afterwards by the Revenue Officers for the removal of which a proposal has been moved in the House. At some places there are such cultivated areas which when left uncultivated for several years were entered as barren at the time of settlement, and when the poor owners could not bear the burden of the land-revenue they deliberately got it entered as the Government land. Although that land is plain and cultivated and adjacent to the cultivated land of the zamindars, yet this proportion system has still kept it as Government land. Now-a-days there is before the Government the question of mitigating educated unemployment. There are not even one or two per cent. educated people in our Illaqa, so generally educated unemployed are found in cities. There is a proposal before the Government for employing these unemployed young men in tilling the soil. The House is aware of the fact that for the protection of the rights of the poor zamindars, land Alienation Act is passed ; and if on the other hand this foreign element is introduced in our villages, and the Government land is given to a non-villager it will be contrary to the welfare of the zamindars. Therefore the poor zamindars would never like that a Regulation be enacted, the result of which will be disquiet and disturbance in the country. Of course, wherever there are big tracts of Government land fit for cultivation, a separate colony of the educated unemployed should be started there.

There is another part in our Illaqa where the forests are found in abundance, and where the land is mostly situated between the forests and the slopes. The production is not only inferior there but it is very low. Besides the wild animals cause a heavy loss to crops. On such land the zamindars make a living through the help of cattle. The Forest Department has got already sufficient control over these villages. The Government areas which are outside the forests are neither fit for cultivation, nor worth including with the forests. Taking away land from 'Shamilat' according to the percentage of cultivated area has caused hardship to zamindars. It should be, according to the Ailan, considered as (Shamilat-Deh') common-land of the village. I would request the House to have regard for the condition of the poor zamindars. But the difficulty is that the supporters of the educated unemployed are to be found in the House. I would appeal to them that they should think over the matter and refrain from opposing this proposal.

MOULVI MOHAMMED ABDULLA : Before I say anything I would like to remove some misunderstanding. It is that every member in the beginning takes an oath with his religious book in his hand, and swears that he would discharge his duties with honesty. But his independent opinion is restricted in three manners. To-day also I find the same taking place.

RAI BAHADUR THAKUR KARTAR SINGH JI : Is this speech in support of the resolution or in opposition?

MOULVI MOHAMMED ABDULLA : It is said that if a Zaildar is the member of the House he has to vote in support of the Government. Although every member has got a right to express his opinion independantly. In the same way, it is impossible for a member, after joining any group or following any leader, to use his independant opinion. If this is called independant and honest opinion it is not correct. I would submit before the House that in reality if honesty means giving independant opinion, then every member should do according to his conscience : he should not take hints from others.

A VOICE : Moulvi Sahib is going beyond the subject matter.

MOULVI MOHAMMED ABDULLA : Well I will omit this, and come to the proper subject.

MR. BEG : Does it mean that you also suppress your conscience.

MOULVI MOHAMMED ABDULLA : When the Hon'ble President has given ruling, I cannot violate it. I would like to discuss the matter within the limit of the subject. I would submit that this very question is the foundation of the political problem of Kashmir. It was on account of this that a strong agitation took place in the country, which entailed a heavy loss. In comparision to this the question of services is an ordinary one. The Ailan was

issued for the benefit of the villagers. Its objective was to grant 'Shamilat to villagers. But this Ailan was interpreted wrongly by selfish people. You will find the word "Residents of villages" existing in the Ailan. This concession was not meant for the residents of cities, but it was meant for the cultivators of the villages. Those who held the pen in their hands were capitalists, and this sort of interpretation was suitable to their motive. They interpreted it wrongly. When there are such Minister there can be no justice. They include Nullahs, rivers, graveyards roads and stony land with 'Shamilat' ; and no cultivable area was kept as 'Shamilat'. Thus by giving wrong interpretation to the commands of His Highness this condition prevailed, and in this way general unrest increased in villages.

Lala Shiv Nath Nanda : You are saying against the dictates of your conscience.

Moulvi Mohammed Abdulla : For God's sake you keep quiet. Presently the Hon'ble Revenue Minister said 'Land is the property of the King' This is utterly wrong principle. This is written neither in Shastras nor in Rigved.

Pandit Lok Nath Sharma : Question !

Moulvi Mohammed Abdulla : This principle has been accepted nowwhere in the world. Land belongs to him who cultivates it and makes improvement in it. The Hon'ble Revenue Minister said 'Land belongs to the King'. This is utterly wrong. Protector of land (country) is the King, and the owner or one who has got claim on it is the cultivator.

How have these villages come into existence? When anybody saw an uncultivated area he cultivated it ; and those parts of the land which remained uncultivated, were such as he could not cultivate. Therefore to snatch any barren or uncultivated piece of land from the possession of those who have laid the foundation of the village is against both nature and principle. When the founders of a village cultivated land after reclaiming it from forests, they reserved some area of uncultivated land for the requirements of their progeny. This is the Ssamilat. To-day it is heard that the owner of land is the king.

On the other hand graduates have become nuisance for us now-a-days ; and now the servants of education have become servants of the soil.

Pandit Jia Lal Kilam : This is not the point, Sir.

Moulvi Mohammed Abdulla : What I say that the land should be given to its real owner. Why should the condition 'educated' be kept. The founders of villages have right to this land. Education is not imparted with a view that a plough can be marked on, or the soil can be tilled.

My learned friend Sheikh Abdul Hamid also has stated some

defects. These defects should be removed, and the principle should not be violated. The proposal of the mover is quite clear, while the Hon'ble Revenue Minister remarked that it is meaningless. I would hold that it is full of meaning it is not meaningless. The words of the Ailan are quite clear, and have got meaning. The objective of the proposal is that since the founders of villages have naturally a right to the 'Khalisa' land.....

PANDIT JIA LAL KILAM : It is not "the founders of the village", but the word 'Land owners'.

MOULVI MOHAMMED ABDULLA : In order to usurp the rights of the founders of villages it has been brought into practice clever ly. They have been deprived of their rights. However, I am thankful to Sheikh Sahib who has made it clear that it is the intention of the Government to divide 'Khalsa' land among educated people.

Now the founders of villages are afraid of running their progeny on account of hunger. The proposal which the Government wants to pass.....

PANDIT JIA LAL KILAM : It is not the proposal of the Government.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : This is a resolution moved by an hon'ble member.

MOULVI MOHAMMED ABDULLA : The founders of villages will die of hunger, while the primary pass unemployed contractors or those who cannot get Government employment will make gardens and grow potatoes on 'Khalsa' land. If this is the policy of the Government it is not a sound one. If it is the intention of the Government that if a person having passed the primary examination does not get employment he should be given land and Jagirs, it is a mistake.

PANDIT JIA LAL KILAM : He is going beyond the subject matter.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : You are going beyond the limits of the resolution.

MOULVI MOHAMMED ABDULLA : I would submit that here it is a constitutional Government. So far whatever the Government have done, they have done it with eyes closed. Roads, grave-yards, and canals have been included in 'Shamilat-Deh'. I believe all this has been done with eyes closed and I submit that the Government should not do so in future. This is our political problem. The question of services is a mere illusion. This is the political problem of cultivators, Hindus, Muslims and Pandits. The aim of proposal is not socialism. My learned friend has suggested to divide land while my suggestion is to divide Jagirs and their money deposited in banks.

I would say to the Conference Party that it is no use to issue

big posters, and that if they do not solve this problem they are traitors to their community.

This is a very good proposal. It is, therefore, necessary to give an independant opinion about it.

MR. M. A. BEG : Sir, in view of very important business that awaits, and in view of the fact that we have not been able so far to take up the business specified for to-day, I request for closure.

PANDIT JIA LAL KILAM : I support him, Sir.

LALA SHIV NATH NANDA : I also support him.

MR. M. A. BEG : Before votes are taken on this proposal I would like to bring it to the notice of the hon'ble members of the House that if they have got sympathy they should not interrupt the discussion on the resolution, regarding poor peons and menials, that is to be moved. I hope this discussion will be closed.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : But the Government have not given their reply so far.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : Our friend has moved for the closure, and I have got no objection to it, but perhaps Mr. Dobey would like to say something in reply to my speech.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : (Addressing the Hon'ble Revenue Minister) If closure is allowed you still have got a right of reply.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : It has been moved that the discussion on this resolution be closed. Those who are against the motion may please raise their hands.

NOTE.—Nobody raised hand. The motion is carried.

PANDIT RAM CHAND DOBEY : Mr. President ! The Hon'ble Revenue Minister said that the wording of para No. 4, Raj Tilak Boon, as published in the Government Gazette, dated 14th Phagan, 1982, is ambiguous. With regard to this I want to say that although that para is not, at present, before me, yet I am sure that it is quite evident from the para that in such villages as have got no 'Shamilat', and in which the comman land adjacent to 'Abadi-Deh' has been entered as 'Khalsa' this kind of land, should be entered as 'Shamilat'. I can say with certainty that those, who are not familiar with different parts of the State, can not understand the purport of the Ailan. The real situation in different parts is this, that in some Tehsils there are villages held by land owners and in other Tehsils there are villages which are owned by the Government. The latter belong to two different categories :—

One in which the rights of Malguzari and Assami have been granted to the zamindars, at the time of settlement, and the other in which rights of occupancy tenancy, are granted under Government proprietorship. Those who are familiar with Malguzari rights know that those who had got Malguzari rights shown separately in the records from occupancy tenants, and their uncultivated common-

land was shown separately in the Revenue records from other Government land of forests. This was the intention of the Ailan of His Highness that in those villages held by proprietory owners and where there is no Shamilat, while all such land is entered as Government land, and in the villages held by Malguzari or occupancy tenants all uncultivated common-land, as lying adjacent to Abdi Deh', which is entered as Government land, should be considered as 'Shamilat'. The intention of this first order was that a certain ratio between Shamilat and assessed land should be set up. But no definite proportion was set up. It was afterwards through different instructions that 20 per cent. in the beginning then 50 per cent. and then 100 per cent. of assessed land was set up. The way in which its entry is made on the spot is very defective and objectionable for zamindars. It is at the mercy of the Patwaries. At some places uncultivated land fit for cultivation and grazing adjacent to assessed land has been entered as 'Khalsa'; while other areas such as ditches streams which are not fit for cultivation and grazing are being entered as 'Shamilat-Deh'. In this way the proportion is made up. By this the condition of zamindars goes from bad to worse. In view of this it was necessary to pass such an important resolution in the House. But we are disappointed when we see as mentioned by Moulvi Mohammed Abdulla that Numberdars and Zaildars as elected members have got no right like nominated members, to give their independent opinion against Government. Under these circumstances I am compelled to withdraw my resolution.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Those who are in favour of the withdrawal of this resolution may please raise their hands.

NOTE.—Hands were raised.

Those who are against the withdrawal may now please raise their hands.

NOTE.—Hands were raised

The majority is in favour of the withdrawal, therefore, permission for withdrawal is granted.

Now there is Mr. M. A. Beg's resolution. The Assistant Secreatry will read it out.

NOTE.—The Assistant Secretary read out the following resolution:—

"This Praja Sabha recommends to the Council that the pays of inferior servants be increased".

MR. M. A. BEG : Sir, I do not want to make a lengthy speech on this resolution, because Resolutions No. 2 and 3 which appear on to-dav's list are so important that it is necessarv to find time for them. Therefore, it would be my effort to speak briefly so that some time may be available to discuss those resolutions.

Sir, before this we have tried continuously to bring it home to the Government, in the House, through questions and resolutions,

that the salaries of inferior servants, such as peons, constables, forest-guards and petty clerks, in short all those employees whose salaries are very low, should be fixed on the basis ot a definite standard of living. At present they do not get living wages. Therefore it is necessary that their pays should be increased. But it is regrettable that this question inspite of having been discussed in the House continuously went unheeded. The question of increasing salaries pertains to the poor people, particularly the menials. It is low pay that makes an adverse effect on them, and particularly on the morals of the general public. If the Government wants to improve the moral condition of the people, and has got sympathy for the poor, they should accept this resolution.

In the last session we did our best to make it clear to the Government that there is no proportion in salaries in the State. Some employees on the one hand get daily remuneration from Rs. 125 to Rs. 150 which in the opinion of some does not suffice for their necessaries ; while on the other hand menials such as peons, forest-guards etc. do not get more than annas four or eight as daily remuneration. This is a point to be considered that how can a person, receiving annas 4 to 8, make his living possible. According to the principle of Economics the primary necessities of life of one person do not differ from those of another. There is no doubt that the educated persons have increased their necessities of life immensely, and the major portion of their present standard of living does not include the necessities of life. It is luxury. The necessities of life of big officials and petty servants are common in principle. The poor also feel the necessity for clothing, and have to support their families. They have to defray these expenses out of the income of Rs. 12 or 14. A big official also has to provide for the same necessaries. Under these circumstances you can yourself imagine as to how a menial can with Rs. 12 or 14 as monthly pay provide for the necessities of his life. We can draw a natural conclusion from this that his morality will decay. Leaving aside good education he cannot even provide for an ordinary education of his children. He becomes an undesirable member for the society. To provide for such expenses he adopts those means which produce bad effect on his own morality as well as that of the public. Therefore it is essential that the Government should increase the salaries of those whose pay is below Rs. 30, immediately. At the same time I want to submit that their pension rules tion, and it concerns the poor Peons etc. They should be given tion, and it concens the poor Peons etc. They should be given relief by increasing their salaries.

In view of this, I request the House that, keeping in view the conditions which I have described above, while supporting this resolution with a brief speech, they should vote in my favour. There

are other two important resolutions which also should get time for consideration in the House.

PANDIT JIA LAL KILAM : Sir, regarding this resolution I want to submit that last summer the Hon'ble Prime Minister spoke well on the occasion of convocation in Sri Pratap College. He gave expression to such valuable ideas for which every man should be grateful to him. He has created for us a new ideological back-ground which has widened our vision. He said in his attractive speech that if there is anything which has become the cause of the present troubles it is nothing but economic misfit in the society. He explained Economic misfit in clear terms. In Economics also it is a question of the rich and the poor. Some are extremely poor while some are extremely wealthy. He has admitted that Economic misfit exists in every section in the world. So far as it is possible, efforts should be made to remove it. Mr. Beg in his speech regarding salaries has referred to 'unreasonable proportion'. I want to submit that it is the first and foremost duty of every Government to provide work for every adult male who is willing to work. You will agree with me when I say that Rs. 14 or16 or Rs. 18 per month can in no way be minimum wages. Minimum wages are those by which a person can provide for his bare necessities of life. We should increase the standard of life rather than decrease it. Therefore in order to remove this economic misfit and keeping in view other conditions I support this resolution of Mr. Beg in strong terms.

SHEIKH ABDUL HAMID : Sir, in Punjabi language there is a proverb that bread, loin cloth and a place for rest are necessaries for every human being. Bread for eating, loin cloth for putting on, or in other words cloth for covering the body and Tambui, which means building, for residing in, are essential things.

The fact is that the peons or such persons whose pay is Rs. 12 or 15 or 18 cannot live on this low pay. They have to provide for the expenses of their childen, house-rent water, fuel and other necessities of life, but in these days they cannot pull on with this low pay.

Many witnesses appeared before the Anti-corruption Commission during their inquiry ; and all of those witnesses have asserted that corruption cannot be prevented unless the salaries of the low paid are increased to such an extent that if they can not spend their life in comfort at least they can provide for the most essential necessities of life.

In short my submission is that such a reasonable addition should be made in the salaries of menials as the Government think advisable and with which these employees can provide for the necessities of life.

LALA SHIV NATH NANDA : Sir, I will speak only for five

minutes.

I have submitted it before the Praja Sabha in last sessions through questions that the poor peons whose pay is Rs. 12 or 14 cannot manage to live on this low pay therefore their pay should be increased. It was several times replied on behalf of the Government that the case is under consideration.

Since the time is very short, I can not, therefore, say much about it. I would only request the Hon'ble Prime Minister and his Government to have mercy on the condition of poor peons and such other employees, because they cannot manage to live on the present pay. They have to face many difficulties. They can not maintain their children. Therefore their pay should be increased, to such an extent that they can manage to live.

With this kindness and sympathy which he will show towards these poor employees he will not only be renowned but he will be ever remembered. If he will give practical shape to this resolution his name will be written in golden letters in the history of the State. I support this resolution. It is also the duty of the Government that they should not only agree to this resolution but they should express that they are prepared to help the poor. With these words I support this resolution.

MOULVI MOHAMMED ABDULLA : Sir, I want to submit in support of this resolution only this much, that in the past people managed to live with the help of bribes. Now, there is general compaign against corruption ; but inspite of this corruption is increasing. The reason for this is that the pays of inferior servants is very low. My suggestion is that the salaries should be neither too high nor too low. It is only moderation which keeps balance in the administration. There is blood in the body ; and if it runs in different parts of the body with moderation there will appear no defect in the body. If it runs only in one part of the body it causes trouble. If it goes into the head it causes headache ; and if it goes to any other part there appear boil on that part. Similarly if the salaries are not fixed in a proper proportion it is likely to tell upon the administration. With these words I support the resolution.

LALA HANS RAJ : Sir, I want to submit that since I have been elected as a member of the Praja Sabha I have always requested for increasing the salaries of menials. I submitted two resolutions with regard to the same matter, but unfortunately they did not come out successful in the ballot.

I would submit that not only should the salaries of peons be increased, but their pension also should be increased. The pension that is being given to them at present is very low. A poor peon spends his whole life in Government service, and at his retirement he is given Rs. 4 as pension. You just think as to how he can support his family in his old age with these four rupees. My

submission is that they should be given a reasonable pension, and their pay also should be increased. With these words I strongly support the resolution of Mr. Beg.

LALA RAM LAL : Sir, from the speeches that have been made in this House, in connection with this resolution, every human being can conclude that the House has got sympathy with all such matters as pertain to the poor employees. The House supports this resolution. I had submitted an amendment to this resolution to the effect that this resolution should be enforced in Poonch Illaqa also. But unfortunately, perhaps, it is not admitted. The resolutions that are passed in this House, and which are given practical shape, should be enforced in Poonch Illaqa. Menials in Poonch are paid low salaries just as they are paid in the State. They cannot maintain themselves. Several times such resolutions were moved in the House, and it was made clear that these low paid employees cannot manage to live. But no attention was paid to it. The House submitted recommendations to the Government regarding this matter previously. I have come to know that Mian Ahmed Yar has submitted an amendment to it.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : No amendment is submitted.

LALA RAM LAL : Under these circumstances my submission is that salaries of the poor low-paid employees should be increased, and it should be enforced in Poonch also. I support this resolution.

PANDIT LOK NATH SHARMA : Since the grievance on the part of Poonch has been expressed in the House, I, therefore, submit that the poor people of Chenani may also be borne in mind. Those poor people render service merely for bread; no salary is paid to them.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Sir, I stand to oppose this resolution. This is a resolution which will lay heavy burden on the Government exchequer. So far no hon'ble member has referred to the number of those employees whose salary they have recommended to be increased; and they have not expressed as to how much the Government spends for them. I would submit that their number is ten thousand. The hon'ble members have referred to peons, forest-guards and constables. I would submit that the number of peons is in no way less than one thousand. The number of constables is three thousand, and that of Patwaries is not less than two thousands and a half. Similarly the number of forests-guards is more than this. Customs-guards are six hundred. What is spent on all these employees has not been mentioned by the hon'ble members.

MIAN AHMED YAR : This is due to the fact that we do not know the figures.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (Revenue Commissioner) : Your Assembly is a responsible one. You should move proposals in the House, after justifying it by figures and facts. However, the salaries, of these employees before 1929, were Rs. 6 or 7 or 8. Afterwards they were increased and fixed at Rs. 12, Rs. 14, Rs. 16, Rs. 18. You (addressing the hon'ble members of the House) also have got private servants. Their status also is equal to these menials.

MR. M. A. BEG : We give them food and clothes also.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : I know all this. You should be first generous at home, and then advise the Government to increase the salaries.

MR. M. A. BEG : If we were paid like the Hon'ble Prime Minister, we could give big salaries to our private servants.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The Hon'ble Prime Minister gives big salaries to his servants. What do you give to yours? Do they not want to have the same kind of food as you have? Moulvi Sahib himself takes meat, pulaw and curry. Does he give the same kind of dishes to his servants? First of all you should reform your own house and then comes the turn of the Government. The Government has already been generous. The salaries of inferior servants before 1929, were Rs. 6, Rs. 8 and Rs. 9. Now these are Rs. 12, Rs. 14 and Rs. 16. This means that their salaries have been doubled.

VOICE : Certainly.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : When the budget is placed before you, you examine Government income and expenditure properly and you know that there is no room in the budget to increase their salaries to the extent that you want. I would like to submit another point. It is that the salaries of the inferior servants of this State are not less than what they get in British India.

PANDIE AMAR NATH KAK : Nothing less.

PANDIT JIA LAL KILAM : Well, we have got our own Government.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : When your daily allowance was fixed at Rs. 5 you raised hue and cry, and put the Government to great difficulties. The Government have to see whether there remains any surplus after deducting this amount for you, to enable them to raise the salaries of peons to Rs. 30.

PANDIT LOK NATH SHARMA : We are ready to accept five rupees.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : In British India the salaries of the peons are Rs. 18, Rs. 20 and Rs. 22 : while here it is Rs. 16, Rs. 18 and Rs. 20. This shows that there is the difference of Rs. 2 only. Here they have one advantage

which in British India they have not got. It is that there they do not get any pension.

LALA SHIV NATH NANDA : They get 'Nass-muska'. (Bribe).

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : You might be giving. If they ask for it from Moulvi Sahib they know they will be imprisoned. At the time of retirement they are given bonus of Rs. 150 while here they get the pension of Rs. 9 or 10.

MR. GHULAM MOHAMMED SADIQ : What about Chaprasies?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Here they get Rs. 14 while in the Punjab they get Rs. 16. When their pay was Rs. 6, Rs. 7 and Rs. 8 the price of Paddy was Rs. 4 per Khirwar (two maunds). Now they get more pay and the price of Paddy also is low. If they spent Rs. 2 on Paddy before, they spend Rs. 1 now.

SARDAR DHIAN SINGH : What is its price in Jammu?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Mr. Dobey knows that in Kathua Paddy is in abundance, and one mound is purchased for two rupees. He would admit also in Jammu Province the price was low, in 1929. Therefore I submit that the inferior servants get sufficient pay.

Under these circumstances, before you give your vote, you should take into consideration the Government income and its expenditure and then decide which way to vote.

Besides, the Hon'ble Prime Minister will throw some more light on it.

PANDIT AMAR NATH KAK : Sir, the resolution which my learned friend Mr. Beg has moved, is a comprehensive one. There can be no objection to it. The mover has neither any limit to which their salaries should be increased, nor suggested that their pay should be increased, say,by 50 per cent. He has left all this at the discretion of the Government. Under these circumstances I think the Government taking into consideration the argument that has been advanced in favour of this resolution, will accept it and using their discretion, will grant a reasonable increment in the pay of inferior servants.

On the other hand there is a possibility of misunderstanding through the speeches made against it. Their objection is that when the pay of private servants has not been increased, why should the Government be pressed to increase the pay of inferior staff. This objection is not valid. This does not sound reasonable to say that what we were giving to private servants in 1928, should not be increased now. I would submit on the basis of my own experience, which however cannot be considered to be an experience of all the hon'ble members, we used to give, at the most, Rs. 9 to our servants, before 1628. Now in Kashmir, at least I would submit about my own community, there is no private servant whose pay is

not, at least, Rs. 12 very often they get even Rs. 20. In addition to salaries they receive food which is the same as taken by their master. They are given clothes also, which are not inferior.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : You do not give pension to them.

PANDIT AMAR NATH KAK : Pension also is given. In every year private servants spend two months with pay, at home. There does not arise the question of retirement with regard to our private servants. When a servant grows old and becomes unfit for service, his son takes his place. The Revenue Commissioner said that in the Punjab inferior servants are paid Rs. 16, while here they are paid Rs. 12. This is, inspite of the fact that food and other necessaies of life are cheaper there. Under these circumstances there is no reason for not raising their pay from Rs. 12 to Rs. 14.

Similar is the condition of other inferior servants such as low paid clerks and teachers. The Glancy Commission has also recommended for increasing the pay of these low-paid teachers ; and there is no session of the Assembly in which the case regarding the salaries of these low-paid teachers was not moved. It is replied that the case is under consideration. Eight years passed, but it is still under consideration. Similarly is the case of those clerks whose pay is Rs. 20 or Rs.25. If an ordinary increase is made in their pay it will not entail heavy expenditure on the Government. While speaking against the resolution the number of inferior servants was stated. Suppose that is correct number ; and their number is ten thousand. If two or three rupees are increased in their pay the ex-penditure will not increase by more than thirty thousand rupees per month. This will be an expenditure of $3\frac{1}{2}$ lacs annually. The Government spend big amounts on big salaries. In reply to one of to-day's question it was stated that in the office of the Inspector General, Police there are two Personal Assistants and one attached Officer who are paid big salaries. The Government will not reduce their number. This means that the Government can bear the burden of big salaries, but the annual sum of 3 lacs is thought unbearable.

SARDAR DHIAN SINGH : Sir, in the time of Muslim rulers there was one Dewan, namely, Wali Ram. His duty was to be in presence of the king at every time. One day when he was standing in the presence of the king an insect entered in his clothes. It made him extemely restless, so much so that he felt pain in his body. But inspite of this it was not possible for him to make any movement. He tolerated the inconvenience rather than made a movement. It was compulsory for him to stand in the presence of the king. When he left for home after all, he asked himself, how much trouble he had in that service? At that very time he gave

up the idea of service, and went to the river side where he laid himself down at full length. Next day when he did not appear in the Darbar, it was reported to the king that he had resigned. On hearing this the king himself went to him on the river side. When the king saw him he said "Since how long you stretched your legs". Wali Ram repliied "Since I left service.

I mean to say that the condition of the poor inferior servants is very bad. Just see (pointing to the peons of the Praja Sabha) how those poor fellows keep standing for 24 hours while we are sitting on chairs with comfort. In summer they feel great trouble, while we work under fans. Their condition is pitiable. It is they who run the Government business. Do not be unjust to them. I therefore, support this resolution.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : Sir, this is a very inconvenient resolution to answer on behalf of the Government. There is no gainsaying the fact that the standard of life of those whom we call inferior servants of the State is low, that they cannot improve it within the salaries they get ; that these standards deserve to be pulled up may be admitted. My hon'ble friend Mr. Jia Lal Kilam referred to what I said in another place about this pulling up to the proper standard *viz.* that it is not possible unless we remove what I described then as an economic misfit. That removal, I am afraid, is not possible to the extent that idealists in this respect may desire, unless we are going thoruoghly to overhaul and reorder existing society. I am afraid, speaking in this Assembly as I do, we cannot tackle so large a problem as that. The question for us to consider is whether it is posssible within the limitations under which we have to work, to satisfy this demand for an increase in the emoluments of inferior servants. 'Inferior servants' is an expression which is not easy to define. It has got a technical meaning in the accounts world and the line is drawn at a certain rate of pay. I remember in British India it used once to be fifteen rupees. I do not know what it is exactly here. Well, a great deal of the difficulty as to what that expression 'inferior servants' means, has been taken away by the suggestion that we should try and pull up the salaries of all people receiving Rs. 30 and under. I take it that the idea is that those people who get Rs. 30 and under now are under-paid. I have been trying to see what exactly is the proposal which the hon'ble mover of this resolution wants the Government to accept. Within the limit of Rs. 30 you have got all sorts of people accustomed to different standards of living.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The amendment has not been moved.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : I think, though the amendment has not been moved,

the hon'ble mover did mention the point. I take it that for the purpose of his motion he would draw the line at thirty rupees. That being so, as I was saying, a little while ago, within this limit of Rs. 30, you have got people who are accustomed to very varied standards of living. There are, for instance, people who are drawn from villages and who only do manual work and earn wages by agricultural labour. There are other people whose educational qualifications are small. There is quite a considerable number of well educated people, even graduates, who get thirty rupees and under a month. What is it you want the Government to pull the salaries upto in the case of these different classes of people? You might, for instance, if you went to the logical position which removal of the economic misfit involve, imitate Soviet Russia and say that the man who does manual work should get a higher rate of wage than the man who does intellectual work. Well, I take it that the hon'ble members of this House are not so advanced as all that. But assuming that you want a certain amount of increase in the case of those people accustomed to different standards of living, let us take first the ordinary inferior servants whom we call Chaprasis, drawing, I think, somewhere between 12 and 18 rupees. So far as I can judge from the budget the minimum is Rs. 12 plus 2; while the highest is Rs. 16 plus 2; then there is the class of Jamadars above ordinary Chaprasis getting Rs. 20 to 22; I had a petition from a number of Chaprasis the other day that their minimum wage should be fixed at twenty rupees. Well, that would mean, I think, an increase of anything between 4 and 8 rupees per head. Again, take the ordinary school master in villages; he receives from 15 to 32; if you have got to pull him up to a better standard of living it should be much higher than the Chaprasis could be content with. I have been trying in the last few minutes to glance through the pages of the budget. I have tried roughly to estimate the number of people for whom you will have to sanction the increase if you accept this resolution. It strikes me that the number might be something between 15 and 20 thousand. Well if that is so, and if you put the average rate of increase at Rs. 5 per head, let us see what that would mean. The increase in expenditure per month will be about 150 per cent. of the amount.....I only take an example—that is provided in the budget for paying the T. A. of hon'ble members of this House for a whole year. Even if you imposed on yourselves a self-denying ordinance and decided to forego the T. A. you are getting at the moment, you would not be able with the money thus saved to finance the expenditure on the proposed increase in inferior servants' salaries for a single month. Again, assuming that the expenditure on this increase comes to 75,000 rupees a month, it would mean a sum somewhere between 8 and 9 lacs of rupees per annum. All that I can

say is, we as Government here have to work the budget that we have, and however much we may wish to increase the emoluments of these people, it is impossible for us to look with equanimity on anything like an increase of nine lacs of rupees in our expenditure due to this proposed increase on the salaries of inferior servants. The desire that you have for increasing the emoluments of these people has my sympathy but unfortunately we have to be governed by the budget as it is. We may be able to scrape up some money by reduction of salaries in the higher ranks and that is perhaps what would be obviously suggested. As a matter of fact, we have the revision of salaries of all ranks already under our consideration and we hope to be able to issue some orders on that question very soon ; but I am confident that in that way it will not be possible to provide the amount that we wish to find for so large an increase in the expenditure that the acceptance of this resolution will involve. There is no other point that I wish to mention. It is desirable that a discussion of this type is brought up when the budget is under discussion of this type is brought up when the budget is under dis- you have to deal with. It will be easy for us at the time of the budget to say how much can be and how much cannot be made available ; if you bring it up as an isolated resolution in this way, unrelated to the resources available and to competing demands on such resources, it lacks the reality of a discussion at the time of the budget. It is not possible for Government to accept a resolution of this sort. In British India we have got Congress Governments in seven Province. While certain of those Governments have already gone very far in the matter of reduction of the salaries of officers above a certain limit and have thus saved a certain amount of money, I am not aware of any proposals put forward by any of them for increase of salaries to the inferior servants. I have not seen any ; I am of course speaking subject to correction. It is a very large financial problem and even Congress Governments cannot run away from the abvious difficulties which limited resources place in the way of accepting and acting on resolutions of the kind under consideration.

So far as the question of increase in pension is concerned, I understand the present maximum limit is four rupees. We have already this question under consideration. I think, I have asked the Accountant General already to examine the question whether it is possible to increase this maximum somewhat, and this is under the consideration of the Government.

As regards this and other amenities, and the usual grievance that is put forward and was put forward in one of the petitions to me that officers sometimes take private work from these public servants ; these might be looked into in order to make the life of these small people more sufferable than it is to-day ; but taking

the question of increase of salaries alone into consideration, I am afraid, at this time of the year and unconnected with any consideration of the resources of Government, it is impossible to accept the resolution for that may raise the question of finding means of increasing our sources of revenue and so on. Government cannot agree to the resolution worded so widely and vaguely as it is. It is no answer to say "we have worded it vaguely and widely in order to give Government the fullest of discretion". If you want the Government to accept the resolution, you must make it more definite. As it is, I find it impossible to accept it. While, therefore, I have all sympathy in your desire to improve the lot of these people, I find that the present resources of the Government are such that do not justify my saying 'yes' to this resolution.

LALA HANS RAJ : We want to know the translation of this speech, because this question concerns lacs of peopls. People are desirous of knowing the meaning of this speech of the Hon'ble Prime Minister. This is the speech of the Hon'ble Prime Minister, who is responsible for the State, therefore it is necessary that it should be translated. It is through translation that people will come to know what sweetness it is filled with, and what his opinion is. People should be able to benefit from the sweetness of this speech.

NOTE.—The Secretary, Praja Sabha translated the Hon'ble Prime Minister's speech in Urdu then and there.

MR. M. A. BEG : First of all the Hon'ble Prime Minister said that the number of those exployees whose pay is less than Rs. 30 is so great, and the standard of their life is so different that it is very difficult to give practical shape to my resolution. I would submit that different increments, should be added to different grades of pay. If the Hon'ble Prime Minister cannot accept to increase the pay of all those whose pay is less than Rs. 30 still he can increase the pay of the most inferior servants to the extent that they may be able to have a living. By doing so we also will come to know that the Hon'ble Prime Minister shows not only outward sympathy, but he is trying to give practical shape to it.

Third point which the Hon'ble Prime Minister referred to in his speech was that this resolution should have been moved in the budget session, so that the reply could have been given, keeping in view the income, as to what increase could be made in the salaries of these inferior servants. I would submit that the budget is to be prepared soon. The proposal should, therefore, be brought under consideration, and for the present a part of the resolution should be accepted. The pay of those employees who are most inferior should be increased at once. This will show that he is ready to increase the pay of other low-paid servants.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The resolution of Mr. Beg is now before the House.

Those who are in its favour may please raise their hands.

NOTE.—Hands were raised.

Those who are against it may now, please raise their hands.

NOTE.—Hands were raised.

The majority are in favour of the resolution, therefore, it is passed.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The Assistant Secretary will now read out the resolution No. 2 of Khawaja Akbar Dar.

NOTE.—The Assistant Secretary read out the following resolution.

"This Praja Sabha recommends to the Council that the Patwari should record mutations in the case of partitions, at the verbal request of the co-shares of a 'Khewat intending to partition the areas, and the local officer should sanction the mutation in such cases after making proper enquiry".

KHAWAJA AKBAR DAR : Sir, if co-sharers intend to partition their 'Khewat' for which they are all in agreement, they cannot do so, unless they apply for partition. After applying for partition for years together they have to bear unnecessary expenditure, have to wander from door to door, and to face great difficulties. Then after making inquiry the Revenue Officers sanction partition.

Therefore my aim in moving this resolution is that when the co-sharers of a 'Khewat' or some 'Khewat' make partition with mutual consent, the Patwari at their request, should at once record mutations and submit it to the local officers who in his turn should, after due inquiry, record it in the mutation register, and every co-sharer should be given a separate 'Parcha' which will give them facility at the time of paying land revenue.

I hope the Government as well as the hon'ble members, keeping this inconvenience, in view, will accept may resolution.

KHAWAJA SAIF SHAH : I support him.

SARDAR HARI SINGH : I also support this resolution. The instructions, regarding mutation, which exist in the Revenue Department should be followed fully.

SHEIKH MOHAMMED AMIN : (On behalf of the conference party) I support this resolution.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : This resolution has been moved in the House owing to some misunderstanding. The instructions which Khawaja Akbar Dar wants to be issued; already exist in the law. It does not even require a minor change. He wants that instruction should be issued to Patwaries for recording partitions in the mutation register. Instructions regarding partition among co-sharers exist already in the law for example I would say that if there is a holding which has been partitioned really among three brothers, who have admitted before the Patwari that they are satisfied with the partition, then it is the duty of the Patwari to enter it in the Register. The Girdawar examines it, and the Tehsildar certifies the mutation on the spot.

When such laws exist already what more does the hon'ble mover want? The law is here with me. If he wants I can refer him to it. If he wants to amend the law, he can move an amendment to it.

Regarding this resolution I would say that the law exists already in clear terms.

KHAWAJA AKBAR DAR : Sir, the law is there, but it is not acted upon.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : If you refer to any such definite case the concerned officers will be warned, without fail.

MIAN AHMED YAR : Sir, it will be better if a general order be issued to the effect that the law should be acted upon.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : There is no necessity for this. The law is existing already. If you complain we will give warning to the defaulter.

KHAWAJA AKBAR DAR : On this condition I withdraw my resolution.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Khawaja Akbar Dar wants to withdraw his resolution. Those who are in favour of the withdrawal may please raise their hands. Hands were raised)

Those who are against the withdrawal may, now, please raise their hands. Hands were raised)

Permission to withdraw the resolution is granted.

Assistant Secretary will read out the resolution No. 3.

NOTE. | The Assistant Secretary read out the following resolution.

"This Praja Sabha recommends to the Council that the judicial powers be withdrawn from the officers of the Customs, Forest and Shikargah Departments".

PANDIT RAM CHAND DOBEY : Sir, it is not the first time that we have submitted this case before the House, but before this we have submitted it several times in the shape of questions.

The grave defect in the exercise of judicial powers by the officers of these departments is that they are prosecutors as well as the judges. In view of this it can be imagined as to how far their decisions can be based on justice. It is recently that the Forest Inquiry Committee who are on tour received complaints, at several places, to the effect that the officers of the Forest Department do not do justice in such cases. Since to make inquiry in this matter was not in their terms of reference they did not consider this matter.

I think it is hardly necessary to make it clear that it is in no case justified to give such powers to the officers of certain departments. This is the cause of great trouble to the people. When these powers are not exercised properly justice is impossible. Certain departments have been given such powers, and unfortunately these departments are such as are connected directly, to a

great extent, to the people. Just as it is not justified to give such powers to the Police who are, to a great extent connected with people ; similarly it is unreasonable to allow these departments to exercise such powers. The reason for this is that justice cannot be expected under such conditions.

In view of this I would submit that the House should, after taking this resolution into consideration, recommend to the Council to withdraw judicial powers from the officers of these departments, and to refer such cases to the courts of law.

COLONEL ABDUR RAHMAN KHAN : I strongly support this resolution. Indeed what has been recommended should be done.

LALA RAM LAL : The present system of hearing the cases by these departments is wrong in principle. The officer of the department is himself complainant, witness as well the prosecutor. Is it sound that a person who launches the case against another person should himself decide the case?

In this present age of enlightenment it is in no case proper to give judicial powers to these departments. Therefore, I support the resolution of the hon'ble mover.

SHEIKH MOHAMMED AMIN : I also support this resolution, on behalf of the Conference party.

PANDIT AMAR NATH KAK : Sir, three departments have been referred to in this resolution, such as Customs, Forest and Shikargah. It is a fact that the officers of the Forest and Shikargah departments exercise the powers of 1st and second clast magistrate. Cases, regarding the payment of Customs duty and violation of rules, are heard by the Inspectors who can award the punishment of fine. Some cases of Customs Department are such as have got connection with excise, and as such they are heard by ordinary courts. I have experienced that wherever the powers of magistracy have been given to the officers of the Revenue Department they cannot do justice in such cases satisfactorily, as can judicial officers do, owing to the fact that they are not law knowing. This is the complaint of general public and of us lawyers. To give judicial powers to the Revenue Officers is justified in no case. Injustice is done to the people, therefore magisterial powers should be withdrawn from the Revenue Officers.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : This is beyond the scope of the resolution.

PANDIT AMAR NATH KAK : That is right. The Hon'ble Revenue Minister says that there is no mention of them in the resolution. But in order to strengthen the principle underlying the resolution I want to submit as an argument that those Revenue Officers who have to do the judicial work they have to pass the examination in revenue. Tehsildars have to pass in Cr ; P. C., I. P. C. and Evidence Act. Inspite of their passing these exami-

nations they cannot exercise these powers satisfactorily. What to speak of the officers of Shikargah who are ignorant, even, of the name of Cr. P. C., I. P. C. and Evidence Act. How can it be expected that they can exercise these powers correctly. In the capacity of a lawyer, I appear before the officers if not of the forest but of Shikargah and Customs Department to plead the cases. Once when an officer of Shikargah was hearing a case in the capacity of the first class Magistrate, I appeared before him and submitted the Wakalatnama.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : Is it not a reserved subject?

PANDIT AMAR NATH KAK : The decision of the officers is not final. Revision application is heard by the sessions Judge and appeal is heard by the High Court.

When I submitted the Wakalatnama to the Magistrate he said "It is not such a case as requires a pleader ; so you can go". This was a new thing to me. Anyhow, I could not say anything. Afterwards thirteen relatives of the clients came to me and told me that the Magistrate punished and imprisoned all of them, and he even punished those who were not present. I submitted an application to the Sessions Judge regarding this case. He asked for an affidavit and I submitted it. This case appeared before Rai Bahadur Kanwarsen who was a High Court Judge at that time. Once with respect to a case when the punishment was awarded by this Department the copy of the decision was not supplied. However, the High Court authority demanded the papers. Letter after letter was sent, because they made delay in supplying the concerned papers and the copies. In this way the decision of the Magistrate was set aside. There is another fresh instance. It is that before a Magistrate of the Shikarkhana Department my friend, a Vakil Sahib, produced witnesses, in connection with a case. When their evidence was being recorded Vakil Sahib began to question them, whereupon the Magistrate said, "Why do you question them. It is my duty to put questions to them. "The Vakil Sahib was wonderstruck and said that "These are defence witnesses ; and if I have got no right to question then what is the use of my coming here". The Magistrate replied, "You may exercise that right in ordinary Courts of Law, but not here.

I can submit innumerable such examples in order to make it clear as to how the Demartmental Magistrates abuse the law, but the time is very short. I can quote thirty to forty such examples which will show that the Departmental Magistrates are not familar with this work, with the result that they abuse their powers.

It was complained before the Forest Inquiry Committee that the officers of various departments abuse the Magisterial powers. However, this is a point against which the lawyers have got griev-

ance. They feel that this is an improper system. Justice demands that the powers should not be abused in this way. Therefore, it is necessary, that these officers should not use magisterial powers. In case they will do so, Law Graduates should be appointed on those post. Since Law Graduates are Law knowing, it is expected that they can make proper use of magisterial powers. Nobody other than law knowing should be appointed on the posts where they have to use magisterial powers. Justice cannot be expected from a person who has not qualified himself in law, and has been given magisterial powers. He cannot make proper use of such powers.

Besides there is another objection. It is that the officer of a department is himself the prosecutor, the judge, as well as the complainant. It is not proper that a person should be prosecutor as well as the Magistrate. Prosecutors also are the men of their own department. Dobey Sahib also has raised an objection on the practice of having the same person as complainant, witness and Magistrate. How can this practice be considered as sound. The wonder of it is that the greater part of the money that it realised from the criminals in the shape of fine is divided among the reporters and witnesses as a prize. In the present time of enlightenment and particularly when we assert that our country is on the way to progress, the Government should not feel proud in tolerating the abuse of magisterial powers.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Now it is four o'clock. The House will therefore adjourn till tomorrow. The discussion is postponed.

NOTE.—The House adjourned till the next working day.

THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)

VOLUME VIII

6TH DAY

(24th March 1938)

NON-OFFICIAL BILLS

EIGHTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



JAMMU .

Printed at The Ranbir Government Press—3-4-95—150.

1938.

Jammu and Kashmir Praja Sabha

President :

THE HON'BLE MR. JUSTICE K. L. KICHLŪ,
RAI BAHADUR.

Secretary:

PANDIT HIRANAND RAINA, B. SC., LL. B.

Assistant Secretary:

MR. MOHD. NASIR-UD-DIN KHAN, B. A., LL. B.

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JAMMU AND KASHMIR PRAJA SABHA.

MARCH—APRIL, JAMMU SESSION.

Thursday, the 24th March 1938.
11th Ghet 1994.

The Praja Sabha met in the Praja Sabha Chamber at Ajaib Ghar at Eleven of the Clock. Mr. President (The Hon'ble Mr. Justice K. L. Kichlu) in the Chair.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : Mr. President, Sir, I have this morning to perform the very melancholy duty of conveying to this House the news of the passing away of His Highness the Maharaja of Patiala. His Highness the Maharaja Bahadur has commanded that as a mark of respect to the memory of the deceased, all offices and courts in the State should be closed for to-day and to-morrow and all business be suspended. Before I ask you, Sir, to adjourn this House, I wish to associate this House with the general sorrow and sympathy that will be expressed all over the country over the sad demise that has taken place. His late Highness of Patiala played a big part in several directions. I cannot speak from knowledge of the state of affairs in the Patiala State but Hon'ble members of this House will, no doubt, remember that one of the last acts for which he made himself responsible was the appointment of a Committee to report on the measures of constitutional reforms within his State. He has played a large part in the social world. In the world of sport, he was very well known. I do not wish to say more on this melancholy occasion. I request your permission, Sir, to move the following resolution :—

"This Assembly has learnt with deep regret the demise of His Highness Lieutenant General Farzand-i-Khas-i-Daulat-i-Inglishia Mansur-i-Zaman, Amir-ul-Umra, Maharajadhiraj Rajeshwar Sri Maharaj-i-Rajagan Sir Bhupindar Singh Mahindar Bahadur G. C. S. I., G. C. I. E., G. C. V. O., L. L. D. A. D. C., of Patiala and requests that the President do convey its sincere sympathies to His Highness Yadavindar Singhji Bahadur of Patiala and to the inhabitants of the Patiala State".

I beg further to move, Sir, that the House be now adjourned as

a mark of respect to the memory of the deceased.

MIAN AHMED YAR (Leader Conference Group) : Sir, in supporting this resolution I associate myself and my party with the sentiments expressed by the Leader of the House about the sad demise of the Maharaja of Patiala.

PANDIT RAM CHANDRA DOBEY (Leader Liberal Group) : I support this resolution on behalf of my party.

PANDIT LOK NATH SHARMA : I support the resoluuion on behalf of the State Councillors.

SARDAR DHIAN SINGH : Sir, I support it on behalf of the Sikhs.

COLONEL ABDUR RAHMAN : Sir, I support it on behalf of the non-party members.

PANDIT JIA LAL KILAM : We also support the resolution.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The House is adjourned to Saturday the 26th March 1938.

THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)

VOLUME VIII

7TH DAY

(26th March 1938)

NON-OFFICIAL BILLS

EIGHTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



JAMMU :

Printed at The Ranbir Government Press—3-4-95—150.

1938.

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Jammu and Kashmir Praja Sabha

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JAMMU AND KASHMIR PRAJA SABHA.

MARCH--APRIL, (1938) JAMMU SESSION.

The Praja Sabha met to-day in the Praja Sabha Chambers at Ajaibghar Jammu at Eleven of the Clock.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) in the Chair.

Thakur Hira Singhji Inspector General of Customs and Excise was sworn in.

NOTE.—Owing to the adournment of the Praja Sabha on 24th March 1938 (11th Chet 1894), on account of the death of His Highness the Maharaja of Patiala, the business prescribed for that date was taken up to-day first.

(*Business of 24th March* 1938).

QUESTIONS AND ANSWERS.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Questions set down for the 24th March will be replied to-day. Replies to the questions for the 26th March have already been handed over to you. We shall fix some time for these later on.

316. SARDAR MAL SINGH : Is it a fact that proprietary rights have been granted to all the zamindars of the State and the rights of proprietorship of all land reclaimed before 1982 have also been granted to them?

If the answer be in the affirmative, then, will Hon'ble the Revenue Minister please state why so far proprietary rights have not been granted to the zamindars of Anchar Tehsil Khas for the land which under section (*e*) is under their possession and for which they pay land-revenue also? The reasons therefor may please be stated?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister) : (*a*) Yes, proprietary rights have been granted on all such lands as were held as Haq-Assami by zamindars, as well as on *Nautors* made before 1982.

(*b*) Because they were not Assamis but only tenants at will.

SARDAR MAL SINGH : I want to know why proprietary rights have not been granted to the zamindars on areas given to them according to the Settlement Rules under section (*e*) and held by them prior to 1982. When proprietary rights have been granted in the case of *Nautor* made in the year 1982, why have such rights not been granted to these areas?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Your question was not definite. You had stated "under section (*e*)" but not of what?

SARDAR MAL SINGH : Of the procedure.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : What procedure? I want notice for that.

SARDAR MAL SINGH : It was your duty to ascertain that yourself.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : No, it was not my duty. You ought to have stated your question definitely.

317. SARDAR MAL SINGH : Is it a fact that there are no lights on the Boulevard road nor are there any benches on the roadside where the people might sit and take rest? If the answer be in the affirmative, then, will Government please arrange for supply of light and benches on the Boulevard road?

KHAWAJA GHULAM AHMED ASHAI (On behalf of the Hon'ble Hazur Minister) : There are no lights on the Boulevard road nor there are any benches on the roadside at present, but the Municipality has asked the Electrical Department to instal 22 lamps. As regards benches, the matter is under the consideration of the Municipal Committee.

318. SARDAR MAL SINGH : Is it a fact that the Public Works Department has made a reduction of 25 per cent. in its scheduled list and the rates which the contractors offer in their tenders are less by 25 to 30 per cent. If that is a fact, then it takes away about 70 per cent. of the total expenditure including about 15 per cent. profit of the contractor? If so, will Hon'ble the Home Minister please state how can works be constructed with only 30 per cent. of the total amount?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister) : The schedule of rates was revised according to the rates obtaining in the market at the time of revision. It cannot be exactly said as to what per cent. reduction was made. The reduction in rates and the less tender percentage of the contractors do not affect the work to be executed which is done for the full amount it is estimated for.

SARDAR MAL SINGH : I want to know whether it is true that the Public Works Department has reduced the scheduled rates by 25 per cent.?

PANDIT RAM NATH SHARMA : No, it is not true.

SARDAR MAL SINGH : I want to know whether the contractors offer a reduction of 30, 40 and 50 per cent., in the rates, and are thus prepared to do hundred rupees' work with fifty rupees.

PANDIT RAM NATH SHARMA : The work is done according to the estimate, in which the rates are stated.

SARDAR MAL SINGH : I want to know whether they are prepared to do hundred rupees' work with fifty rupees.

PANDIT RAM NATH SHARMA : It is a hypothetical question, Sir.

319. SARDAR MAL SINGH : Is it a fact that Colonel Miller, Director of Medical Services, has retired and in his place some doctor from outside has been appointed? If so, will the Hon'ble Home Minister please state why has no local doctor been appointed on his post when we have in our State very efficient doctors who are F. R. C. S. and have English qualifications?

PANDIT RAM NATH SHARMA : The appointment is made in the interests of efficiency in the administration of the Medical Department.

SARDAR MAL SINGH : What is that efficiency in the administration?

PANDIT RAM NATH SHARMA : It is the efficient administration of the department.

SARDAR MAL SINGH : Are not the present officers carrying on the administration efficiently?

NOTE.—No reply was given.

320. SARDAR MAL SINGH : Is it a fact that nearly six lacs of rupees were provided in the budget for the buildings of Jammu and Srinagar State Hospital? If it is a fact then, will the Hon'ble Home Minister please state why has not the construction of these buildings been started so far?

PANDIT RAM NATH SHARMA : The matter is under consideration and the work will be started as soon as preliminaries are settled.

321. SARDAR MAL SINGH : Is it a fact that there is no Lady Doctor in the Srinagar State Hospital as a result of which the female patients of the *Illaqa* have to undergo very great difficulty?

If the answer be in the affirmative, will the Hon'ble Home Minister please appoint one Lady Doctor in the Srinagar State Hospital?

PANDIT RAM NATH SHARMA : The matter is already under consideration.

322. SARDAR MAL SINGH : Will the Hon'ble Revenue Minister please state the income from the Town Area Committees of Gulmarg and Pahalgam for the year 1993-94? How much of it was spent on the pays of the establishment and how much on the

works of public utility? As against income if the expenditure has been greater, then, it may please be stated from which head has this amount been provided?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The following statement gives details of income and expenditure of Gulmarg and Pahalgam Town Area for 1993-94 :—

		Gulmarg.	Pahalgam.
		Rs.	Rs.
Income of the Town Area	...	7,760	4,225
Contribution from the Sanitation Cess Fund	...	420	3,655
Total	...	8,180	7,870
		Expenditure.	
		Rs.	Rs.
Conservancy	...	5,094	3,768
Fire Brigade	...	445	2,142
Management	...	432	410
Contingencies	...	515	280
Works of public utility	...	1,650	1,260
Water supply (drinking)	...	35	.....
Total	...	8,171	7,870

Excess over receipts was contributed from the Sanitation Cess Fund.

SARDAR MAL SINGH : I would like to know why the Sanitation Cess, which is realized from the zamindars, instead of being spent in their villages, is spent over places like Pahalgam, Gulmarg, etc.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : A few days ago the Hon'ble Prime Minister stated in this House that the matter is under the consideration of the Rural Development Officers, who are thinking of spending this amount in the villages in

future.

323. SARDAR MAL SINGH : Is a State employee retired from service at the age of 55 according to the Kashmir Service Regulations? If the answer be in the affirmative, then, will the Hon'ble Home Minister please state why has the new Director of Medical Services been appointed when he is a retired officer from British India?

PANDIT RAM NATH SHARMA : The hon'ble member's attention is drawn to my reply with reference to his question No. 326.

SARDAR MAL SINGH : My question was whether every official is retired at the age of fifty-five.

PANDIT RAM NATH SHARMA : It is not necessary, but that is the general rule.

324. SARDAR MAL SINGH : Is it a fact that a part of the road in Gummat Bazar which leads from north to south is a pucca and metalled one but in the centre the road is paved with stones which had once been fixed in the time of the late His Highness the Maharaja Gulab Singh Sahib Bahadur? Is it also a fact that the stones too have come out from certain places and the pits are causing trouble to the pedestrians and the tonga, motor and lorry passengers? Are Government very kindly prepared to construct a pucca and metalled road here? If so, when? If not, why?

PANDIT RAM NATH SHARMA : The Public Works Department will prepare an estimate for its metalling and include the same in the road programme. The road will be metalled when funds are allotted for the purpose.

325. SARDAR HARI SINGH : Is it a fact that at present the general health of girls and boys is not good and no arrangement for medical examination has been made for the students in the State Schools, on account of which the general physique of the students is becoming very weak?

Will Government make some arrangements for quarterly medical examinations in the schools in future?

PANDIT RAM NATH SHARMA : No complaint has been received that general health of boys and girls is bad.

326. KHAWAJA ALI MOHAMMED : (*a*) Will the Hon'ble Prime Minister please state how many persons belonging to Madras were appointed in the Jammu and Kashmir Government before he took the charge of the premiership?

(*b*) At present what is the number of the employees belonging to Madras and what are their respective pays?

(*c*) What is the total amount of pays which were given to them heretofore?

(*d*) To which community do these officers belong?

(*e*) Is there any Muslim amongst them also? If reply to this be in negative, will it please be stated whether there was no Mus-

lim officer available who could be appointed on any one of these posts?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister) : It is presumed that the hon'ble member is not seeking information about the Prime Minister himself.

(*a*) Government regret that they are not in a position to supply the information asked for as the hon'ble member has not specified the period for which he wants the information to be collected

(*b*) None.

(*c*), (*d*) and (*e*) Do not arise.

KHAWAJA ALI MOHAMMED : To what place does the Chief Electrical Engineer belong?

RAI BAHADUR PANDIT RAM CHAND KAK : He is not from Madras.

327. KHAWAJA ALI MOHAMMED : Will Government please state what is the number of Rangers, Foresters and Forest Guards in the Forest Division Kishtwar and how many of them are Muslims and non-Muslims and what are their pays?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN :

	Total.	Non-Muslims with their pay.	Muslims with their pay.
Forest Rangers...	3	3 (2 at 100, 1 at 80).	.....
Forestors ...	15	10 (1 at 50, 3 at 45, 2 at 40, 1 at 35, 3 at 25).	5 (2 at 35, 3 at 2).
Forest Guards ..	74	53 (6 at 18, 14 at 16, 33 at 14).	21 (2 at 18, 2 at 16, 17 at 14).

328. KHAWAJA ALI MOHAMMED : Will Government please state the quantity of timber given to Muslims and non-Muslims for their mosques and temples by the Forest Division, Kishtwar during the last two years? Will the figures be supplied separately?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The Divisional Forest Officer, Kishtwar granted four trees to Muslims for mosques and no trees to Hindus for temples during the last two years.

329. KHAWAJA ALI MOHAMMED : Will Government please

state as to how many applications of the people of village Charol, Tehsil Kishtwar were submitted for grant of timber for the mosque Naqsu Range; and was the timber granted on these applications? If not, why?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : No application was received from the people of Charol village, Nagsin, Kishtwar Tehsil for grant of trees for any mosque.

The latter part of the question does not arise.

330. KHAWAJA ALI MOHAMMED : (*a*) Will Government please state what schemes are under consideration of the Director of Industries for industrialising the country?

(*b*) Are Government prepared to publish them for general criticism?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) The following schemes are receiving the attention of the Department of Industries :—

1. Establishment of a Bank;
2. Craft Paper Mill;
3. Resin Distillation;
4. Improving the Tanning Industry;
5. Sports Industry;
6. Worknig of Goal Fields and Bauxite Deposits;
7. Paint Industry and Cement Making; and
8. Establishment of Pharmaceutical Works.

(*b*) No.

PANDIT LOK NATH SHARMA : The reply may be read out to us in English. We do not follow Urdu at all.

NOTE.—The Chief Secretary read out the reply in English.

331. KHAWAJA ALI MOHAMMED : Is it a fact that Railway line can be constructed from Jammu to Srinagar *via* Reasi? If the reply be in affirmative, will the Government consider the matter of constructing a Railway line by the same route?

RAI BAHADUR PANDIT RAM CHAND KAK : The Government have no such project under contemplation.

332. KHAWAJA ALI MOHAMMED : (*a*) Is it a fact that last year the Governor of Jammu had appointed Munshi Ghulam Hussain, son of Moulvi Yusaf Shah of Srinagar, on the post of Moharrir Kahcharai at Margan Basen, Tehsil Kishtwar?

(*b*) Did Munshi Ghulam Hussain, after submitting his joining report on the 14th Baisakh 1994 to the Tehsildar Kishtwar, got sanction of his mutual transfer with Hans Raj, Moharrir Kahcharai, on 19th Baisakh 1994 from the Governor Jammu telegraphically and hence under the instruction of Tehsildar Kishtwar submitted his joining report to the Tehsildar Reasi?

(*c*) Is it a fact that Munshi Ghulam Hussain submitted an application about his illness in time to the Tehsildar Reasi and gave

his joining report for duty on 29th Baisakh 1994 forenoon to the Tehsildar?

(*d*) Did Wazir Wazarat send telegram to the Governor Jammu against Munshi Ghulam Hussain's absence from office while he was entrusted with the Government work from 29th Baisakh upto 4th Har 1994?

(*e*) If reply to parts (*a*), (*b*), (*c*) and (*d*) be in the affirmative, it may please be stated as to why such an illegal action was taken against Munshi Ghulam Hussain who was regularly performing his duties from 29th Baisakh 1994 upto 4th Har 1994, and on what grounds he had been discharged from service? Will he be reinstated and his arrear pays given to him? If not, why?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The Praja Sabha Sad is referred to the reply given to Q. D. No. 239 of the current session.

If any arrears of pay be due, they will be paid to him.

333. COLONEL ABDUR RAHMAN KHAN : (*a*) What is the quantity of resin exported from Udhampur District to British territories every year?

(*b*) Cannot a factory be started in Jammu Province with the same quantity of resin? Will Government take steps to put this scheme into practice?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) During the five years (ending 31st March 1937/1989-93) the average amount of resin exported from Udhampur to British territories was 27,422 maunds. Th edemand has recently increased and in the current year the export will rise to 40,000 maunds.

(*b*) The question of establishment of a resin factory within the State is under the consideration of the Government.

COLONEL ABDUR RAHMAN KHAN : It is so kind of you.

LALA HANS RAJ : How long will the question remain under consideration?

RAI BAHADUR PANDIT RAM CHAND KAK : As long as the consideration is over.

334. COLONEL ABDUR RAHMAN KHAN : Do Government know that there is a lorry traffic between Udhampur and Ramnagar but since there is no bridge over the Tawi river, the people are put to a great inconvenience? Will the Government be pleased to remove this difficulty (of the people)?

PANDIT RAM NATH SHARMA : In this connection reply to Q. D. No. 380 may be referred to. The bridge will, in due course, be constructed on the Ramnagar-Udhampur Road which will also be connected with Jaghanon.

COLONEL ABDUR RAHMAN KHAN : Does the Government know at what distance this bridge stands from Jaghanon?

PANDIT RAM NATH SHARMA : The information has not been

received. I have not got the measurement with me.

COLONEL ABDUR RAHMAN KHAN : It has been stated that the bridge will be connected with Jaghanon. In the first.....

PANDIT RAM NATH SHARMA : Attempts will be made to connect.

335. COLONEL ABDUR RAHMAN KHAN : Do Government know that there is a large number of licenses for big games in Jammu Province? Will the Government please fix an amount of Rs. 10 as license fee for all big and small games because the people cannot pay the present license fee?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : *1st part* The following number of big game licenses at Rs. 20 was issued during the last three years for the Jammu Province :—

1991-92	... 26
1992-93	... 26
1993-94	... 37

2nd part.—The proposal for reduction of license fees to Rs. 10 for big game in the Jammu Province is under consideration.

The small game license fee for Jammu Province is Rs. 5 only.

336. PANDIT JIA LAL KILAM : Will the Minister-in-charge of the Accountants Department be pleased to state : (*a*) How many Hindus and Muslims have been appointed direct in the Accountant General's Office ever since the promulgation of the Glancy Commission Recommendations?

(*b*) The number of Hindus and Muslims may be given saparately for each community?

(*c*) The grade or grades in which Hindus and Muslims have been directly appointed may be stated separately for each community and for each person so appointed?

(*d*) The qualifications of the persons so appointed may be given?

KHAWAJA GHULAM AHMED ASHAI : (*a*) and (*d*) The information required is placed on the table of the Praja Sabha Sad.

Post.	Cadre.	Hindus.	Muslims.	Qualifications.
Assistant Accounts Officer.	345-440	.....	Two.	One B. A. one M. A.
Superintendents.	150-240	.....	One.	B. A.
Examiners ...	85-135	.....	Two.	One Matric one B. A.

Post.	Cadre.	Hindus.	Muslims.	Qualifications.
Auditors ...	30-75	.....	Ten.	One B. A. and rest Matriculates.
P. W. D. Accouutants.	100-240	.	One.	B. A. and passed Divisional Accountants Examination.
Forest Accountants.	85-135	One.	Two.	One Hindu and one Muslim as above. 2nd Muslim a Matriculate and has passed L. C. C. Examination.

337. PANDIT JIA LAL KILAM : Will the Hon'ble Home Minister be pleased to state :—

(*a*) If it is a fact that some time back a proposal was sanctioned by the Government that both Zaina Kadal and Ali Kadal bridges be removed from their present positions and in their stead a bridge be constructed near Maharaj Gunj (Sri Ranbir Gunj) Srinagar?

(*b*) Were both Zaina Kadal and Ali Kadal bridges removed?

(*c*) Is it a fact that some time after the original proposal was dropped and Zaina Kadal bridge was reconstructed on its original site?

(*d*) Will the Government be pleased to consider the advisibility of reconstructing Ali Kadal bridge on its original site?

(*e*) Does the Government know that Ali Kadal bridge connects two main markets of Srinagar ; this bridge made it easy for people to go to Zenana Hospital ; this bridge leads the way to Hari Parbat and other Muslim places of worship ; and as the original proposal has been dropped it has otherwise caused a lot of inconvenience to the people in general? If the Government know all this will it accede to the request mentioned in clause (*d*).

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) Ali Kadal was removed and Zaina Kadal reconstructed at the existing site.

(*c*) Yes.

(*d*) and (*e*) There appears no pressing necessity for it as the distance between Zaina Kadal and Nawa Kadal is less than the distance between Habba Kadal and Fateh Kadal. The functions enumerated in (*e*) can well be performed by Zaina Kadal which is in the centre of the markets on either side of the river.

PANDIT JIA LAL KILAM : My question was "Is it a fact that sometime back a proposal was sanctioned by the Government that both Zaina Kadal and Ali Kadal bridges be removed from their

present position and in their place a bridge be constructed near Maharaj Gunj, Srinagar".

The reply given to me was 'Yes'.

My next question was "Is it a fact that sometime after the original proposal was dropped and Zaina Kadal bridge was reconstructed on its original site".

The reply to this was also 'Yes'.

My submission is whether this bridge is not needed at its proper site. It leads to the Zenana Hospital and other sacred places and is a short cut.

PANDIT RAM NATH SHARMA : The question has been replied and the reply is "There appears no pressing necessity first as the distance between Zaina Kadal and Nawa Kadal is less than the distance between the Habba Kadal and Feteh Kadal bridges.

PANDIT JIA LAL KILAM : The question is whether the bridge that has now been constructed serves the purpose or not.

PANDIT RAM NATH SHARMA : This is a new question.

PANDIT JIA LAL KILAM : This is not a new question. My question is whether it was not easier for the people to cross that bridge.

PANDIT RAM NATH SHARMA : It is equally easier for the people to cross this bridge.

PANDIT JIA LAL KILAM : Does not this bridge lead to Hari Parbat and other places of worship?

PANDIT RAM NATH SHARMA : This bridge also leads to that place.

PANDIT JIA LAL KILAM : It leads to Lahore as well. Did that bridge serve as a short cut?

PANDIT RAM NATH SHARMA : The distance is the same both ways.

LALA SHIV NATH NANDA : It has been stated that the distance is the same both ways. Has the hon'ble member seen the site?

PANDIT RAM NATH SHARMA : The reply is from the engineer, who has seen the site.

LALA SHIV NATH NANDA : The engineer has seen the site, but the reply is not from him. Has the Hon'ble Home Minister or Mr. Sharma seen it.

PANDIT RAM NATH SHARMA : That is a question which does not arise from this question.

338. PANDIT JIA LAL KILAM : Will the Hon'ble Revenue Minister be pleased to state :—(*a*) If the Government is aware of the fact that the prices of agricultural produce have gone down abnormally?

(*b*) If the Food Control Department also has reduced its rates from Rs. 3/12/- per kharwar to about Rs. 2 per kharwar?

(*c*) If this has caused naturally a great deal of hardship to the

zamindars?

(*d*) If the answer to (*a*), (*b*) and (*c*) be in the affirmative, will the Government be pleased to grant a remission of a portion of the land-revenue and postpone realization of the land-revenue from persons who are hit hard as a result of the general depression and falling down of prices?

(*e*) Will the Government be pleased to appoint a special officer for inquiring into the cases in which a remission or postponement is claimed?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Yes, so far as Shali alone is concerned.

(*b*) Yes, to Rs. 2/2/- per kharwar at an average.

(*c*) Fluctuation in prices has its effect, sometimes adverse and at others favourable.

(*d*) Remission and suspension of revenue can be granted only under the rules in force.

(*e*) Does not arise in view of (*d*) above.

339. PANDIT JIA LAL KILAM : Will the Government be pleased to state :—(*a*) If it is a fact that the industries of a country cannot flourish as long as protective tariff is not levied upon articles which are manufactured in that country and are also imported from outside that country?

(*b*) Is it a fact that the Government of India once appointed a Tariff Board to recommend those Indian manufactured articles which required protection?

(*c*) Will the Government be pleased to appoint a Tariff Board in the State for making recommendations similar to those mentioned in clause (*b*)?

KHAWAJA GHULAM AHMED ASHAI : (*a*) This depends on the stage the industries in a country have reached. Some time the policy of laissez faire is more beneficial than protection and *vice versa*.

(*b*) The Government of India appoint a Tariff Board, when they feel any particular necessity for it.

(*c*) A Tariff Advisory Committee has already been formed consisting of official and non-official members which has had some sittings already and the matter referred to by the Praja Sabha Sad has received the consideration of the Board.

PANDIT JIA LAL KILAM : Under what circumstances is tariff beneficial and under what it is not so?

PANDIT RAM NATH SHARMA : I want notice for that.

PANDIT JIA LAL KILAM : If you don't wish me to put this question, I shall sit down. But notice is not at all necessary for this question.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : However, he says that he is not in a position to reply the question at present.

340. PANDIT JIA LAL KILAM : Will the Hon'ble Revenue Minister be pleased to state : (*a*) If a Board of Agriculture was constituted in the State?

(*b*) If so, how many meetings of the Board have been held since its constitution and what work has it done so far?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(*b*) The Board of Agriculture was constituted in 1937. One meeting was held at Srinagar so far and another at Jammu on 5th March 1938, which was presided over by the Revenue Commissioner. The proceedings of the second meeting have so far been not considered by the Revenue Minister owing to his illness.

At the first meeting, the Rules of Business and Procedure were discussed and adopted. Further suggestions from non-official members were invited.

PANDIT JIA LAL KILAM : Thanks.

341. LALA RAM LAL VAKIL : Will it please be stated how many reports about cow-slaughter were lodged in the Police Department of Poonch from Baisakh 1994 to the end of Poh 1994. How many of the accused were challaned to the court? How many of them were punished and how many acquitted? It may also be stated what was the maximum punishment awarded under Section 298-A and what was the minimum sentence?

WAZIR FEROZ CHAND (Wazir, Poonch) : The required information is given as under :—

No. of reports.	No. of accused challaned in the Courts.	No. of accused sentenced.	Acquitted.	Under trials.	*Punishment.* Maximum.	Minimum.
13	36	14	8	14	1 year.	1 month with a fine of Rs. 12

LALA RAM LAL VAKIL : Does the Poonch Administration feel that such cases are on the increase? What have they done to put a check upon them?

WAZIR FEROZ CHAND : The number is not increasing.

LALA RAM LAL VAKIL : The crimes are so serious that the punishment should range between a mixiumum of one year's imprisonment and a minimum of one month's imprisonment.

WAZIR FEROZ CHAND : This as a decision of the court and nothing can be said about it.

LALA RAM LAL VAKIL : Can the punishment exceed one year in no case.

WAZIR FEROZ CHAND : If an appeal is preferred to me, I shall see to it. I cannot express any opinion offhand.

342. LALA RAM LAL VAKIL : (*a*) Is it a fact that cases of cow-slaughter under Section 298-A are heard by Tehsildars in Poonch?

(*b*) If the reply to part (*a*) be in the affirmative, will the Poonch Administration order that such cases should be tried in future by Magistrates above the status of Tehsildars?

WAZIR FEROZ CHAND : (*a*) Offences under Section 298-A Ranbir Penal Code are not tried by the Tehsildars but by the Sub-Judges exercising powers Section 30. One Tehsildar was trying two cases under Section 298-A under the mistaken impression that he was competent to try them. These cases have already been transferred from his Court by the District Magistrate.

(*b*) In view of (*a*) above the question does not arise.

343. LALA RAM LAL VAKIL : (*a*) Is it a fact that in the previous Session of the Praja Sabha on a resolution moved by me on the 22nd October 1936, regarding the construction of a motor road from Gutalian to Jatlan, the Kashmir Government promised that if the Punjab Government would nôt include this road in their budget for the year 1937, then, the Kashmir Government would include it in their budget for the same year?

(*b*) If the reply to part (*a*) be in the affirmative, it may please be stated why this road was not included in the budget for the year 1994-95, in accordance with the above promise? The reasons may be stated in detail? If the reply to part (*a*) be in the negative, the reply given to the resolution may then be placed on the table and read in the House.

PANDIT RAM NATH SHARMA : (*a*) and (*b*) The hon'ble member is referred to the answer given to question No. 65 of last Session, reproduced below :—

"If the Punjab Government is not prepared to construct the road from Gutalian Canal bridge to the Grand Trunk Road, the construction of road from Gutalian to Jatlan will serve no purpose".

LALA RAM LAL VAKIL : Did the Kashmir Government promise that if the Punjab Government do not include it in the budget for the year 1937, then they (the Kashmir Government) would include it in their budget for the same year.

PANDIT RAM NATH SHARMA : The reply is 'Yes'.

LALA RAM LAL VAKIL : The next question is whether the Punjab Government have included it in their budget. If not, has

it been included in the State budget?

PANDIT RAM NATH SHARMA : The matter is under correspondence with the Punjab Government.

LALA RAM LAL VAKIL : The question whether a promise was held out or not has not been replied.

PANDIT RAM NATH SHARMA : It depends upon your opinion.

LALA RAM LAL VAKIL : Mr. President ! I have not got a satisfactory reply. One of my questions is whether the Government have included this road in the budget for 1937 as they promised. The reply that I get now is that if the Punjab Government do not construct the canal road, then it is no use to construct the road from Gutalian to Jatlan. Why have the Government not included this road in their budget as they promised?

PANDIT RAM NATH SHARMA : The matter is under consideration and no final decision has yet been arrived at.

LALA RAM LAL VAKIL : The question is not of consideration. It is of fulfilling a promise.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : You have been told that the matter is under consideration.

344. LALA RAM LAL VAKIL : (*a*) It may please be stated whether the road from Uri to Hujipur is an important one or not?

(*b*) If the reply t opart (*a*) be in the affirmative, it may please be stated why this road has not so far been constructed. The reasons therefor may also be stated.

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) An estimate for the work is under preparation. The road will be constructed when estimate is sanctioned and funds allotted.

LALA RAM LAL VAKIL : When will the estimate be ready?

PANDIT RAM NATH SHARMA : It has not been completed yet.

SARDAR DHIAN SINGH .: It has been stated that sanction has been given.

PANDIT RAM NATH SHARMA : Please read the reply first and then put the question.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : He says that orders for the preparation of the estimate have been issued.

345. LALA RAM LAL VAKIL : (*a*) It may please be stated whether any estimate has been sanctioned for the road from Poonch to Bagh *via* Tolipur?

(*b*) If the reply to part (*a*) be in the affirmative, it may please be stated when the estimate was prepared and what was the amount estimated? Was the road constructed accordingly or not? If it was not constructed the reasons may be stated in detail. It may also be stated whether any amount was spent on the repairs of the said road in the year 1993-94? If so, was the amount?

WAZIR FEROZ CHAND : (*a*) No.

(*b*) A rough estimate amounting to Rs. 7,000 was prepared in the year 1991 for the purpose. But subsequently the idea was abandoned in view of the fact that the construction of a motor road upto head-quarters of Tehsil Bagh *via* Rawlakote in due course of time is under contemplation. Motor road upto Rawlakote which is 33 miles from Poonch has already been constructed according to that scheme.

A sum of Rs. 300 was sanctioned in the year 1993-94 for repairs to this portion of the road. The road is now in good order.

LALA RAM LAL VAKIL : What I asked was whether the estimate of Rs. 7,000 was sanctioned.

WAZIR FEROZ CHAND : No.

LALA RAM LAL VAKIL : Was the sum of Rs. 300 which was sanctioned in place of Rs. 7,000 sufficient?

WAZIR FEROZ CHAND : This amount of Rs. 300 was provided for repairs only.

346. LALA RAM LAL VAKIL : (*a*) It may please be stated whether it is a fact that Gulpor and Rajot are being irrigated by a canal in Poonch, and *Parta Abi* is being charged for the areas so irrigated.

(*b*) If the reply to (*a*) be in the affirmative, it may be stated whether it is a fact the canal mentioned in (*a*) has since long not been repaired and inspite of the repeated requests of the zamindars no repairs have been made with the result that the zamindars are put to a great loss.

(*c*) If the reply to part (*b*) be in the affirmative, it may be stated why the canal mentioned in (*a*) has not so far been repaired. Is the Poonch Administration prepared to repair the said canal at an early date. If not, the reasons therefor may please be stated.

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) No. It is only recently that the zamindars have requested for the repairs of the Kuhl.

(*c*) According to the Settlement Rules the zamindars are themselves responsible to repair the Kuhl and the only thing that the Administration has to do is to supply skilled labour and material for masonry work on the recommendation of the Revenue Department. The Administration has sanctioned an amount of Rs. 400 for this purpose and free labour will be supplied by the zamindars under rules.

347. LALA RAM LAL VAKIL : (*a*) Are the Government aware that there is a general complaint that patients do not get medicines in the Poonch Hospital and the Lady Hospital at Poonch, as also in the moffussil dispensaries?

(*b*) If the reply to (*a*) be in the negative, it may please be stated how many patients got medicines from the Poonch Hospital, the Lady Hospital at Poonch and the moffussil dispensaries from

Baisakh 1994 to the end of Poh 1994, what was the cost of the medicines distributed during this period? The number of patients who attended the Poonch Hospital, the Lady Hospital at Poonch and the Moffussil dispensaries may be stated separately and the cost of medicines distributed may be mentioned likewise? What was the cost of the medicines given to each patient on the average? Was this quantity sufficient? If so, how? The reasons may be stated?

WAZIR FEROZ CHAND : (*a*) There is no such complaint as has been referred to in the question.

(*b*) The followingw ill show the number of patients who got medicines from 1st Baisakh 1994 to end of Poh, from the Saddar Hospital and other various dispensaries :—

Name of the Hospital and Dispensaries.		Number of patients.
Saddar Hospital	...	76,527
Lady ,,	...	12,.76
Palandri Dispensary	...	44,960
Bagh ,,	...	32,460
Dharamsal ,,	...	46,983
Rawlakote ,,	...	15,592

Medicines valuing about Rs. 5,200 were distributed during the period in question. Average cost of medicine given to each patient comes to between 3 to 4 pies. This average expenditure has been reported to be sufficient.

LALA RAM LAL VAKIL : I have not got any reply to part (*b*).

WAZIR FEROZ CHAND : I have given a detailed reply.

LALA RAM LAL VAKIL : What is the expenditure on each dispensary?

WAZIR FEROZ CHAND : The expenditure on each dispensary ranges between five and six hundred rupees.

LALA RAM LAL VAKIL : Does each patient get good medicine?

WAZIR FEROZ CHAND : Yes.

348. LALA RAM LAL : (*a*) Is it a fact that the amount offered by Raja Ragbir Singh, Rais of Mirpur, for the Lady Hospital at

SRI PRATAP COLLEGE LIBRARY

Mirpur, Jammu, could not be recovered because the conditions laid by him were not acceptable to Government, and consequently no Lady Hospital could so far be opened in Mirpur?

(*b*) If the reply to part (*a*) be in the affirmative, it may please be stated whether the Government is prepared or not to accept the conditions laid down by Raja Ragbir Singh, Rais of Mirpur?

(*c*) If the reply to (*b*) be in the negative, is the Kashmir Government prepared to construct a building with the amount already sanctioned and arrange for more funds in the next year's budget so that the Lady Hospital may be started.

PANDIT RAM NATH SHARMA : (*a*) and (*b*). The condition laid down by Raja Ragbir Singh has since been agreed to and an amount of Rs. 11,727/14/- has been deposited by him into the Punjab National Bank to be utilized for the purpose. He will pay the balance when the construction of the hospital is started.

(*c*) The building work will be taken in hand by the Public Works Department as soon as an estimate and plans are sanctioned.

LALA RAM LAL VAKIL : How long will the estimate take to get ready?

PANDIT RAM NATH SHARMA : It will be done shortly.

349. KALOON LABZANG CHEWANG : (*a*) Is it a fact that according to the Res System fifty persons and twenty five horses have to be kept at all times at every halting stations of Ladakh, Leh and Drass?

(*b*) If reply to part (*a*) be in the affirmative, it may be stated whether or not Kashmir Government are prepared to remove the exaction of forced labour which is found nowhere in these days of enlightenment?

(*c*) If reply to part (*b*) be in negative, are Government prepared to pay the remunerations to the labourers so long as they remain present at the halting stations? If not, reasons therefor may be stated in detail?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Yes. At Leh and Dras.

(*b*) Res system is considered essential in these Illaqas.

(*c*) Does not arise.

LALA RAM LAL VAKIL : Why are the other people not engaged as labourers?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : They are given wages.

350. KALOON LABZANG CHEWANG : (*a*) It may please be stated as to what is the annual income of the customs posts at Tanksi and Lang Shiam, and what has to be spent by the Government over these posts?

(*b*) If reply to part (*a*) be that Government have to spend more than the income of these posts, then, are Government prepared

to bring both of

PAND' ..a the Customs posts under reduction?

last th.. ..ar RAM NATH SHARMA : (*a*) At an average struck on R.. ..aree years' figures, Lang Shiam and Tanksi Posts yield Rs. 751 per annum and Rs. 1,056 is the expenditure on account of establishment at these posts.

(*b*) No.

351. KALOON LABZANG CHEWANG : (*a*) Is it a fact that the afficials of the Customs posts at Tanksi and Lang Shiam exact work from the people without any remunerations?

(*b*) If reply to part (*a*) be in the affirmative, are Government prepared to stop this system of labour? If not, why? If reply to part (*a*) be in negative, are Government prepared to make enquiry into the matter? If not, why?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) No such complaint has been received so far.

(*b*) If the Praja Sabha Sad can refer to any specific case, enquiry will be made and action taken if necessary.

352. KALOON LABZANG CHEWANG : (*a*) Is it a fact that purchase and mortgage of land is not allowed in Ladakh District?

(*b*) If reply to (*a*) be in affirmative, it may be stated whether it is not a cause of inconvenience to the people who cannot transfer their lands at the time of need? Are Government prepared to allow the zamindars of Ladakh District to mortgage their lands? If not, reasons may be stated in detail?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(*b*) *1st part.*—Yes.

2nd part.—Yes. The alienation of Land Regulation is being extended to the District of Ladakh. The measure is believed to be for the benefit of the agriculturists.

353. KALOON LABZANG CHEWANG : (*a*) Is it a fact that a canal in Toria Tyang could not be dug completely?

(*b*) If reply to part (*a*) be in the affirmative, are Government prepared to complete that canal which can make the *Illaqa* prosperous? If not, why?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Information asked for is being collected and reply will be given later on.

354. KALOON LABZANG CHEWANG : (*a*) Is it a fact that Government servants take provisions from the zamindars at the halting stations of Ladakh, Leh, Drass etc. without giving any price to them?

(b) If reply to part (*a*) be in affirmative, it may be stated whether Kashmir Government are prepared to stop this system or not? If not, why? If reply to part (*a*) be in negative, it may also be stated whether Government are prepared to make any enquiry in the matter? If not, why?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) No.

(*b*) Does not arise.

(*c*) No complaint to this effect has so far been received either by Government or by Wazir Wazarat Ladakh. Government is prepared to make an enquiry in the matter if complaints are made and somebody comes forward to substantiate them.

LALA RAM LAL VAKIL : The Government has received so many telegrams stating that corruption is in full swing there.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Inquiry was made from the Wazir Wazarat on spot, who reported that the complaints were groundless. This is, in fact, done by the agents of the Illaqadars, who make the people send telegrams with a view to shield themselves.

355. PEER HISAM-UD-DIN SHAH : (*a*) In reply to my question asked in the last session of the Praja Sabha it was stated in Q. D. No. 403 that the caste named Pukhta has been included in the list of agriculturists and that the cases of other applicants are under consideration of the Government?

(*b*) It may please be stated how many other applications have been taken into consideration from the last session upto this session and what particular castes from among the applicants have been included in the list of agriculturists?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) The applications of several classes for inclusion in the list are yet under consideration. None of these classes has yet been included in the list. It is hoped that the cases of these classes will be disposed of before long.

PEER HISAM-UD-DIN SHAH : When may a decision be expected?

WAZIR FEROZ CHAND : We are trying on our part. It will possibly be done soon.

356. PEER HISAM-UD-DIN SHAH : (*a*) Is it a fact that during the last session of the Praja Sabha in reply to my question regarding the construction of Batiar bridge it was stated that in future the bridge would be entrusted to the Public Works Department.

(*b*) Will it please be stated whether the bridge has been entrusted to the Public Works Department? If not, reason may please be stated therefor?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) The repairs to the bridge are already being carried out through the Public Works Department.

The last part of the question, therefore, does not arise.

PEER HISAM-UD-DIN SHAH : Has the Revenue Department nothing to do now with the construction or repair of this bridge?

WAZIR FEROZ CHAND : No.

357. PEER HISAM-UD-DIN SHAH : (*a*) Is it a fact that all

sorts of epidemics are spreading in Poonch day by day and the questions for opening more dispensaries have repeatedly been asked?

(*b*) If reply to part (*a*) be in the affirmative, why delay is being made in opening dispensaries at important places?

WAZIR FEROZ CHAND : (*a*) No, so far as the first part of the question goes. Answer to the second part of the question is in the affirmative.

(*b*) At present there are dispensaries at all important places. There is no pressing necessity of opening further dispensaries at present. The question of opening more dispensaries can be considered only when finances permit.

LALA RAM LAL VAKIL : Are four dispensaries sufficient for two and a half lakhs of people?

WAZIR FEROZ CHAND : Yes, they are sufficient.

358. PEER HISAM-UD-DIN SHAH : (*a*) Is it a fact that in reply to my question asked in the last session of the Praja Sabha regarding the speedy construction of a Motor-road from Uri to Hajipeer, in the boundary of Poonch, it was stated in reply to Q. D. No. 653 by the Hon'ble Home Minister that the survey, of Hajipeer road was being made and that on the completion of survey, the estimates of the scheme would be prepared? Will the Government please state whether the estimates have been prepared; when it is expected?

PANDIT RAM NATH SHARMA : The survey has been completed and the estimate for construction is under preparation.

PEER HISAM-UD-DIN-SHAH : Will funds be provided in this year's budget for this road?

PANDIT RAM NATH SHARMA : The matter will be considered when the estimate is prepared.

359. PEER HISAM-UD-DIN SHAH : (*a*) Is it a fact that during the last session of the Praja Sabha, in reply to my Q. D. No. 412 regarding the grant of Imambara to the Shia Community it was stated that action will be taken to expedite the matter?

(*b*) It may please be stated as to what action has been taken in the matter?

WAZIR FEROZ CHAND : (*a*)Yes.

(*b*) A notification under section 4 of the Land Acquisition Regulation has been issued. Further action according to law for the acquisition of the land in question will be taken in due course.

360. PEER HISAM-UD-DIN SHAH : (*a*) Is it a fact that during the last session of the Praja Sabha in reply to my Q. D. No. 413 regarding the memorial of the Gujjars Association, it was stated that the matter was receiving consideration and that it would be decided at an early date?

(b) It may please be stated as to what action has been taken in the matter?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) The matter is still under consideration.

PEER HISAM-UD-DIN SHAH : How long will it remain under consideration?

WAZIR FEROZ CHAND : Orders have been received and you will be informed.

361. PEER HISAM-UD-DIN SHAH : (*a*) Is it a fact that during the last session of the Praja Sabha in reply to my Q. D. No 414 regarding declaration of the post of a Patwari as pensionable, it was stated that the matter was under consideration of the Government?

(*b*) Will it please be stated whether in Poonch the post of a Patwari will be made pensionable or not? If not, why?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) Action in the matter is already being taken and it will be decided very soon.

PEER HISAM-UD-DIN SHAH : When may a decision be expected?

WAZIR FEROZ CHAND : Within a month.

362. PEER HISAM-UD-DIN SHAH : (*a*) Will the Government please state whether the Land Acquisition Regulation is in force in Poonch?

(*b*) If the reply to part (*a*) be in the affirmative, it may please be stated why in contravention of the Regulation the lands of the people are being acquired for the construction of roads and why no compensation is paid to them for years together inspite of the fact that the Regulation provides that the question of compensation etc. should be settled before acquiring possession?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) So far no lands have been taken without the consent of the owners for the construction of the roads. Compensation has mostly been given to the owners and the few remaining cases will be settled shortly.

PEER HISAM-UD-DIN SHAH : If it be proved that land belonging to zamindars was utilized in the construction of the road against their will, who will be held responsible for that?

WAZIR FEROZ CHAND : The concerned officer.

363. SARDAR DHIAN SINGH : Will the Government please state : (*a*) How many non-official resolutions were submitted in the last Praja Sabha Session?

(*b*) How many came out successful in the ballot, how many were discussed and how many were finally passed?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Law Minister) : (*a*) 240 excluding cut motions.

(*b*) 40 succeeded in the ballot 14 were discussed and 4 were passed.

LALA RAM LAL VAKIL : Does this number include the reso-

lutions passed in the previous session?

PANDIT RAM NATH SHARMA : The question pertains to those very resolutions.

364. SARDAR DHIAN SINGH : (*a*) Is it a fact that on my proposal for effecting reductions in the Education Department in the last Praja Sabha Session the Government admitted the present system of education to be defective?

(*b*) Is it also a fact that on the assurance given by the Government that the defects in the system of education will be removed and that satisfactory help will be rendered in this behalf the resolution regarding retrenchment was withdrawn?

(*c*) If replies to questions (*a*) and (*b*) be in the affirmative, what improvements have been effected by the Government in pursuance of the fulfillment of the promise? If no improvement has been made, will the Government for the present, change the curriculum of the Middle classes and bring it to a good standard in Industrial and Agricultural education?

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) Yes.

(*c*) The subject of agriculture has been introduced in the following secondary schools as an experimental measure :—

(*i*) Government High School, Muzaffarabad.
(*ii*) Government High School, Sopore.
(*iii*) Government Middle School, Baramulla.
(*iv*) Government Middle School, Anantnag.

SARDAR DHIAN SINGH : Since when was agriculture introduced in these schools?

PANDIT RAM NATH SHARMA : I have not got the date with me. If you wish, you will be told that later.

SARDAR DHIAN SINGH : Was it after the cut motion regarding education grant was moved or before that?

PANDIT RAM NATH SHARMA : After that.

PANDIT RAM NATH SHARMA : Will it be introduced in middle schools as well?

PANDIT RAM NATH SHARMA : It has been introduced by way of experiment, and if the experiment fails the matter will be considered further.

SARDAR DHIAN SINGH : In what schools have handicrafts been introduced?

PANDIT RAM NATH SHARMA : You may ask a question.

NOTE—The Sardar repeated his question.

PANDIT RAM NATH SHARMA : That has already been replied.

SARDAR DHIAN SINGH : My question is about handicrafts.

PANDIT RAM NATH SHARMA : The reply has already been given.

365. SARDAR DHIAN SINGH : Is it a fact that the period of

service of third grade Patwaris is not counted for pension and they suffer a loss in their pension?

If this is a fact, will Government explain the reasons therefor and change the treatment accorded to them?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : *1st part.* No. Such is not the case in the State.

2nd part.—Does not arise.

SARDAR DHIAN SINGH : What does it mean? Is this period counted for pension or not?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Yes, it is counted for pension.

366. SARDAR DHIAN SINGH : (*a*) Is it a fact that the Government had imposed legal restrictions with a view to deter children from smoking?

(*b*) It may please be stated as to how many were convicted and punished under the legal act up to the last Katik 1994?

(*c*) If the number is only nominal, it may please be stated as to what is the use of enacting such a law.

(*d*) Will the Government issue orders for the strict adherence of this law in order to save the health of the future generation?

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) This requires collection of information from all the parts of the State. The information is being collected and will be supplied as soon as ready.

(*c*) The law has been enacted for the benefit of prevention of smoking by youthful persons bent on smoking.

(*d*) The Government cannot enforce the law without the aid of the public. The offence is non-cognizable and by section 4 of the Regulation certain persons like Lambardars and others are to take action in the matter and it is for them to do so.

SARDAR DHIAN SINGH : Did the Government feel a necessity and then enforce this law?

PANDIT RAM NATH SHARMA : Yes.

SARDAR DHIAN SINGH : Then is it not the duty of the Government to make the people act upon it.

PANDIT RAM NATH SHARMA : It is being acted upon.

SARDAR DHIAN SINGH : When will information asked in part (*b*) of the question be supplied?

PANDIT RAM NATH SHARMA : The information is being collected and will be supplied to the member when ready.

367. SARDAR DHIAN SINGH : (*a*) Is it a fact that according to the Customs rates of Poonch Rs. 4/11/0 per cent., as Customs duty, is being charged on Indian Khadar?

(*b*) Is it also a fact that with the issuing of the new tarrif of Jammu and Kashmir State Rs. 10 as Customs duty, is being charged on this Khadar and thus the Customs duty on this require

ment of the peasant has been more than doubled?

If parts (*a*) and (*b*) are correct, are Government prepared to reduce rate of Customs duty in view of the poor condition of the peasants?

PANDIT RAM NATH SHARMA : No; it is 10 per cent. which is the rate charged on Indian Khadar in this State.

(*b*) The rate is the same as in force in Poonch Illaqa *viz.* 10 per cent.

(*c*) Does not arise.

SARDAR DHIAN SINGH : My question was different. What I asked was whether it is a fact that according to Poonch tarrif the duty on indigenous Khardar was fixed at Rs. 4/11/- out of regard for the poor. No reply has been given to it.

PANDIT RAM NATH SHARMA : The reply is that the duty is 10 per cent. which is the rate charged in the State. This question does not therefore arise.

SARDAR DHIAN SINGH : Why has the duty been more than doubled in Poonch all of a sudden?

PANDIT RAM NATH SHARMA : The question has been replied.

SARDAR DHIAN SINGH : Sir, the duty was Rs. 4/11/- per cent. in Poonch but why was it suddenly raised to Rs. 10 per cent. Why has this hardship been inflicted? I want to know whether this rate will continue in future?

WAZIR FEROZ CHAND : You are right, but the new schedule has benefited the people a good deal. The duty on Ghee was Rs. 9 first but now it is Rs. 4.

SARDAR DHIAN SINGH : No Sir, it was not nine rupees, it was eight.

WAZIR FEROZ CHAND : Many concessions have been granted under the new schedule. The rates will be the same as in the Kashmir Government.

SARDAR DHIAN SINGH : But the zamindars cannot go without clothes.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : This is an argument.

SARDAR DHIAN SINGH : Will the Government consider it.

NOTE.—No reply was given.

368. SARDAR DHIAN SINGH : Is it a fact that in Mirpur district cotton which grows in abundance is exported and thus the people are not so much benefited as they would be if there were a cotton industry?

If this be a fact is Government prepared to open industry in Mirpur and its branches in Kashmir and thus remove unemployment to some extent?

RAI BAHADUR PANDIT RAM CHAND KAKRU: Mirpur does not grow sufficient cotton to support even a moderate sized cotton

mill.

SARDAR DHIAN SINGH : If a firm is opened there, will Government subsidise it?

RAI BAHADUR PANDIT RAM CHAND KAK : Yes, if a reasonable demand is made it will be considered. You can put in an application.

369. SARDAR DHIAN SINGH : (*a*) Is it a fact that 'Khadar' is manufactured in large quantities in the Mirpur district and Mirpur Khadar and Susi cloth is known all over?

(*b*) If this is a fact, are the Government prepared to start a Khadar industry on a large scale for removing unemployment?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Government have no precise information in the matter.

(*b*) It is not understood what the member means by starting "A Khadar industry on a large scale".

LALA RAM LAL VAKIL : The reply is that the Government have no information in the matter. I want to know whether a question asked by a member of this House is not taken as information.

RAI BAHADUR PANDIT RAM CHAND KAK : No, that is subject to verification.

370. SARDAR DHIAN SINGH : Will the Poonch Administration please state : (*a*) During the last ten years how much amount was recovered from the subjects of Tehsil Bagh on account of "Coolie Corps Fund"?

(*b*) Out of this amount how much was exclusively spent on the roads, bridges etc., of Tehsil Bagh?

WAZIR FEROZ CHAND : (*a*) A sum of Rs. 14,756/13/3 has been recovered from the zamindars of Tehsil Bagh during the last decade on account of Cooly Corps Fund.

(*b*) A sum of Rs. 1,667 has been spent on the roads, bridges etc. of Tehsil Bagh during the period under question.

SARDAR DHIAN SINGH : Does the Government know that the people of Tehsil Bagh have no roads, bridges and serais.

WAZIR FEROZ CHAND : No, that is not a fact.

SARDAR DHIAN SINGH : Then, please let me know what roads and bridges we have got there?

WAZIR FEROZ CHAND : Everything is done according to the programme.

SARDAR DHIAN SINGH : Why is the programme not uniform for all places.

WAZIR FEROZ CHAND : It is therefore that ten thousand rupees have been provided for Tehsil Bagh this year.

SARDAR DHIAN SINGH : I want to know when fourteen thousand rupees are realized from the zamindars, why are they being paid so little.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : You have been told that ten thousand rupees have been provided for this very purpose.

371. SARDAR KANHAYA SINGH : (*a*) Will the Government please state what effective steps as compared to the last year were taken by the Industries Department with regard to the improvement of Commerce and Industries in Jammu and Kashmir?

(*b*) It may also be made clear as to how many persons residing within and outside the State submitted their schemes to Government and which of these schemes have been approved which of these were taken into consideration and which of these were considered as not deserving of any consideration. Will the Government place a list on the table for the information of the House showing therein in detail the name of the owner of the firm, his residence, community, his being a State-subject or non-State-subject, the amount of financial help sought for and given and number of cases under consideratoin?

(*c*) Are Government prepared to publish for the information of the public, the rate of interest on the loans advanced, mode of repayment and other conditions of the agreement in brief?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Praja Sabha Sad is referred to reply to Q. D. No. 105 from Pandit Amar Nath Kak.

(*b*) *Applications under consideration* :—

1. Sardar Bakhshish Singh of Binagarh Ranbirsingh Pura Rs. 8,000 for Dairy Farming.
2. Shiekh Mohammad Amin, Jammu, scheme regarding starting a boot factory.
3. Karan Wooden Works, Thakur Qandhara Singh and Brothers Moti Ram, regarding starting a factory for the manufacture of bed sheets.
4. Kashmir Theatres Limited, regarding concessions for shooting films.
5. Radiant Pictures Limited, regarding concessions for shooting films.
6. Messrs Lall and Company, for starting a Electric Station at Mirpur.
7. Mr. Ghohar Rahman of Jammu, a scheme for Sports works.
8. Sardar Kanhaya Singh of Kashmir, a scheme for Poultry Farm and Sheep Breeding.
9. Messrs Karam Chand and Nanda Lal, scheme for Brass-Ware Factory.
10. Moonlight Candles Works, Srinagar, candle sticks.
11. Sharda Industrial Works, Srinagar,--Boot Polish.
12. Mr. Sukh Dev Uppal and Sons-Disinfectant fluids.

13. Kher Din and Brothers, Iron Factory.
14. Faiz Ahmed and Brothers, Brass Factory.
15. Choudhari Abdul Wahid, Weaving Factory.
16. Kashmir Tent Factory, Jammu.
17. Technical Industrial Workshop, Anantnag.

Note.—(*a*) No. 1 is a Sikh of the Jammu Province, and Nos. 3, 4, 5, 6, 9 and 12 are Hindus from Jammu Province.
(*b*) Nos 2, 7, 13 to 16 are Mohammadans from Jammu Province.
(*c*) Nos. 10, 11 and 17 are Hindus from Kashmir.
(*d*) No. 8 Sikh from Kashmir.

Applications not sanctioned.—

1. Baldev Sahai Dina Nath Chopra, Srinagar, regarding loan of Rs. 5,000 for Poultry Farm.
2. Flour Mill by Sheikh Mohammed Amin of Jammu.
3. Film shooting by Karan Talkies under incorporation.
4. Snuff manufacturing by D. Wasti Ram.
5. Sports manufacturing by Hamberg Trading Company.

Note.—No. 1 is a Hindu of Srinagar.
No. 2 is a Mohammadan of Jammu.
No. 3 a Joint Stock Company.
No. 4 and 5 non-State-subjects.

List of schemes sanctioned.—

1. Ahmed Sheikh Gabha Makers Anantnag Rs. 2,000.
2. Kashmir Pottery Works, Jammu of Srinagar, of Rs. 7,000.
3. P. N. Chopra, Jammu, exemption of Customs duty on imports of Potato seeds.
4. Do- do- do- do- on salt.
5. Shree Karan Singh, Woollen Mills Lt. Srinagar. Rs. 50,000.
6. Extension of concessions already granted to Hamalya Soap Works, Srinagar for a further period of one year.
7. Rancid and Company, Jammu—grant of land for Industrial site.
8. Sheep Breeding Farm Limited, subsidy to the extent of Rs. 72,000.

Note.—Nos. 1 and 9 are Mohammedans.
Nos. 6 and 10 are Joint Stock Companies.
Nos. 7 Sikhs, and the other Hindus.

(*c*) This question will be decided in the next meeting of the Board of Industries after which it can be made available.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : (To Sardar Kanhaya Singh) There is no necessity of reading this long list.

SARDAR KANHAYA SINGH : No, Sir.

372. SARDAR KANHAYA SINGH : (*a*) Will Government please state what facilities have been affouded to the factories established under the existing Rules such as Shri Karansingh Woollen Mills Srinagar, and how much financial aid was given from the State Treasury?

(*b*) Is it a fact that even the wool imported from Yarkand in addition to the local produce of the State is insufficient to meet the requirement of such a big concern. Is the mill-owner expected to produce thread only and not the cloth to enable the cloth of this thread to be prepared on local looms in village and cities in order to give an impetus to the cottage industry?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Shri Karan Singh Woollen Mills Limited, Srinagar, was originally granted a loan of Rs. 80,000. It was extended by Rs. 80,000 out of which about Rs. 58,000 have been advanced. The other facilities are granted of land for the factory on ground-rent and exemption of spare parts etc. from Customs duty.

(*b*) This is not a fact. The Mill is also expected to run upto 12 power looms for production of woollens.

SARDAR KANHAYA SINGH : I want to know whether other varieties of yarn cannot be prepared there.

RAI BAHADUR PANDIT RAM CHAND KAK : This is a big mill. It is not a cottage industry.

SARDAR KANHAYA SINGH : Is it a fact that when the factory was established the Government stated that only yarn would be prepared there and no cloth would be manufactured.

RAI BAHADUR PANDIT RAM CHAND KAK : I have no knowledge of such an assurance.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER (Prime Minister) : In the first instance the proprietors of the concern were permitted to use 6 looms mill. Last year when additional loan was granted a request was made by the factory owners that the number of looms might be increased to twelve and now that number of looms has been placed in the mill. The impression that this mill might affect prejudicially, hand-looms producing woollen-cloth is not right since the kind of stuff that is used in the factory is not a stuff which is used in hand-looms. There is no competition with the local hand-looms.

373. SARDAR KANHAYA SINGH : (*a*) Will the Government please state as to how many employees such as agents, clerks, craftsmen and contractors etc. are working in Shri Karan Singh Woollen Mills, Srinagar, Himalaya Soap Factory, Srinagar, Koulson Match Factory, Baramulla, and what is the number of Hindus, Pandits Sikhs, Muslims therein? Ih may also please be stated as to what is the total amount of their monthly wages? Will the Government please obtain for placing on the table of the House such statements from the mill-owners as may indicate in what proportion each community is benefited from the aid given by Government?

(*b*) If it comes to the notice of the Government that full justice is not meted out to the respective communities, at the hands of the

managers of these factories will the Government please take such steps as to compel the managers to act in perfectly equitable manner? If the reply be in the negative, reasons, therefor may please be stated?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) For want of sufficient time, Government are unable to address the concerns for the information.

(*b*) Government have no right to dictate the observance of any communal proportions by the managements of private concerns.

SARDAR KANHAYA SINGH : As these firms are paid from the State Exchequer, is it not binding upon them to employ men from all communities?

PANDIT LOK NATH SHARMA : Rivers and roads may also be divided then.

SARDAR KANHAYA SINGH : May I know, Sir, whether the Government is not prepared to impose such a restriction in the case of services other than those that are of a technical nature?

RAI BAHADUR PANDIT RAM CHAND KAK : In the case of such concerns as are commercial, Government cannot place any restriction in this matter.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Government cannot interfere in this matter. The question has, however, been replied.

SARDAR KANHAYA SINGH : The firms cannot work arbitrarily. As they are paid from the State Treasury why should they not employ men from all communities?

LALA SHIV NATH NANDA : They pay interest for the money that they get from the State Treasury.

RAI BAHADUR PANDIT RAM CHAND KAK : The question put by the Sardar does not arise.

374. SARDAR KANHAYA SINGH : (*a*) Will the Government please state which of the companies have submitted their scheme to the Kashmir Government for opening factories in the Kashmir State, and what concessions other than monetary help have they demanded?

(*b*) Is the Government prepared to publish these particulars beforehand? So that the public may become aware of this and submit their schemes.

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) and (*b*) It is not possible nor is it desirable in the public interest to make the information required public.

375. SARDAR KANHAYA SINGH : Will the concerned Minister please state whether the rights of rural and urban zamindars are equal? If the answer be in the affirmative, then it may please be stated what steps the Government have taken to bring the rural zamindars to the level of urban zamindars in the matter of edu-

cation, services and wealth? If not, the reasons therefor may kindly be stated?

RAI BAHADUR PANDIT RAM CHAND KAK : The facilities provided by Government for the acquisition of knowledge, admission to Government services, and promotion of commercial enterprise, are available equally to all classes of His Highness' subjects.

SARDAR KANHAYA SINGH : If all the communities have been given scholarships for foreign training, why have the Sikhs, who are one of the communities been deprived of them?

RAI BAHADUR PANDIT RAM CHAND KAK : It is done on the basis of merit and the requirements of services generally.

SARDAR KANHAYA SINGH : Can Sikhs also be deputed, if efficient men are available among them.

RAI BAHADUR PANDIT RAM CHAND KAK : Certainly.

376. SARDAR KANHAYA SINGH : Will the Government kindly state if it can enlarge the scope of rural uplift to such an extent that rural students may acquire foreign training? Will the Government raise the intelligent rural students out of the pit of misery in which they have fallen for centuries, by extending to them the aid of sufficient scholarships? If not, why not?

RAI BAHADUR PANDIT RAM CHAND KAK : The question is not clear enough for an answer.

SARDAR KANHAYA SINGH : If that was to be the reply then I withdraw my question. (Laughter).

PANDIT LOK NATH SHARMA : No, the question should not be withdrawn.

377. (*a*) (*i*) Is it a fact that Sikhs and Kashmiri Pandits inhabit the valley in equal number and

(*ii*) that the Sikhs have a prominent position because of their special war services?

(*b*) Will the Government kindly state the number of each community who are in Government services from highest to the lowest office?

(*c*) Will the Government make such an arrangement that in future the Sikhs should also get the share they deserve?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) (*i*) The Kashmiri Pandits are about 63,000 and the Sikhs about 50,000.

(*ii*) It is not clear what war services the member refers to but even apart from war services the Sikhs of the Kashmir valley are an important community.

(*b*) All the information that Government possess is published in half-yearly statements to which the member's attention is drawn.

(*c*) The Sikhs will certainly be given the share they deserve.

PANDIT JIA LAL KILAM : It has been stated that the Sikhs are about 50,000. My submission is that this is their number not only in the Kashmir valley but in the whole State. As a matter

of fact, all the Kashmiri Pandits are inhabitants of the valley.

SARDAR DHIAN SINGH : We know this even before.

PANDIT JIA LAL KILAM : Then what was the necessity of asking it.

SARDAR KANHAYA SINGH : Does the Government consider the war services of the Sikhs?

RAI BAHADUR PANDIT RAM CHAND KAK : Yes, everything, besides war services is taken into consideration.

378. SARDAR KANHAYA SINGH : (*a*) Has the Government laid down the restriction that the retrenched staff of the Food Control Department Srinagar, should be given first chances in all the Government offices without affecting the interests of the Muslim community?

(*b*) It may please be stated, how many Sikh officials were brought under reduction? If the number of the retrenched Sikh officials is nominal, will the Government please issue orders for the exemption of Sikh community as well. So that the Sikh educated youngmen may ont remain unemployed in their advanced age?

(*c*) Are Government prepared to withdraw such an order pertaining to Sikhs?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) The Government order makes mention of the under-represented communities.

(*b*) No Sikh official was reduced. The latter part of the question does not arise.

(*c*) Does not arise.

SARDAR HARI SINGH : Whenever any vacancy occurs, the officers of the Department say that the retrenched hands of the Food Control Department have to be taken.

RAI BAHADUR PANDIT RAM CHAND KAK : The Sardar knows that when he comes to me I never tell him that.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : He says that no such reply is given. It is no use to argue.

SARDAR HARI SINGH : Will an assurance be given about it in future.

RAI BAHADUR PANDIT RAM CHAND KAK : We do not admit that such reply is given, and you know that I am correct.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Mr. Mohammed Afzal Beg will now place before the House the Select Committee's Report on the Food Control Regulation Amendment Bill.

MIRZA MOHAMMED AFZAL BEG : Sir, the report of the Select Committee to which the Food Control Regulation Amendment Bill was referred, has been published in the Government Gazette of 26th Phagan 1994. I hope it has been made available to every member of this House. I now, move that the bill as amended

by the Select Committee be taken into consideration.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Mirza Mohammed Afzal Beg moves that the Food Control Regulation Amendment Bill, as amended by the Select Committee, be taken into consideration. If anybody has to say anything about it, he may do so.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. (Revenue Minister) : There is no opposition.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : As there is no opposition to this motion, the Select Committee Report may be taken into consideration.

PANDIT AMAR NATH KAK : There are some amendments about it.

PANDIT RAM NATH SHARMA : Sir, I do not want to move the amendment which stands in my name.

PANDIT AMAR NATH KAK : Then there is another amendment, Sir.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : Yes, the amendment is by Mian Ahmed Yar.

PANDIT AMAR NATH KAK : He is not present, Sir. The amendment cannot be moved in his absence.

MIRZA MOHAMMED AFZAL BEG : Sir, he is sick.

PANDIT AMAR NATH KAK : It cannot be moved, Sir, when the member is not present.

PANDIT JIA LAL KILAM : The amendment will lapse in the absence of the hon'ble member.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : As Mian Ahmed Yar is not present, his amendment cannot be moved.

SHEIKH MOHAMMED AMIN : As you order, Sir.

VOICES : There is no question of order in this.

MIRZA MOHAMMED AFZAL BEG : Sir, I move that the Food Control Regulation Amendment Bill, as reported by the Select Committee, be passed.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : As no member has moved any amendment to the Select Committee's Report, Mirza Mohammed Afzal Beg moves that the bill as reported by the Select Committee be passed.

Those of the hon'ble members who are in favour of the motion will raise their hands. (Hands were raised).

Those who are against the motion will also raise their hands. (Hands were raised).

As there is no opposition to this bill, it is therefore passed. (Cheers).

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Sheikh Mohammed Amin will now place the Select Committee

Report on the Agriculturist Relief Regulation Amendment Bill before the House.

SHEIKH MOHAMMED AMIN : Sir, I place before the House the Select Committee's Report on the Agriculturists Relief Regulation Amendment Bill, and move that the bill as reported by the Select Committee be taken into consideration.

PANDIT LOK NATH SHARMA : Sir, I oppose the motion, because there is nothing on the agenda to show that 'Sheikh Moahnmed Amin will move that the bill as reported by the Select Committee be taken into consideration'.

Rules of Business and Procedure do not entitle him to make the motion without previous notice.

I would invite your attention to Rule 59 of the Rules of Business. It lays down that :—

(1) "The report of the Select Committee shall be presented to the Assembly by the member in charge of the bill.

(2) In presenting a report the member in charge shall, if he makes any remark, confine himself to a brief statement of fact, but there shall be no debate at this stage".

Then in Rule 61, it is laid down that :—

"After the presentation of the final report of a Select Committee on a bill, the member in charge may move as follows :—

(*a*) That the bill as reported by the Select Committee be taken into consideration.....

(*b*) That the bill as reported by the Select Committee be recommitted to the same Select Committee.....

(*c*) That the bill as reported by the Select Committee be circulated for the purpose of obtaining opinion thereon".

Now for these motions there is a specific rule, and under that rule my hon'ble friend has to give notice to the office that he will move such and such motion after the report of the Select Committee is presented to the House. As such my hon'ble friend Shiekh Mohammed Amin should have made it clear to the House as to which of the three motions he wanted to make when presenting the report of the Select Committee. Unless he gives notice of that he cannot make any motion. If I am not wrong this matter was made clear on an objection raised by my hon'ble friend the Prime Minister on a certain non-official bill for which leave to introduce was required. The motion after leave to introduce the bill was granted, perhaps was that the bill be taken into consideration and that the bill be passed and for which no notice had been given. It was, I think, this very Food Control Bill on which objection was taken by my hon'ble friend the Prime Minister—Leader of the House. Without a statutary notice it is not, therefore, open to Shiekh Mohammed Amin to move that his bill be taken into consideration.

MIRZA MOHAMMED AFZAL BEG : In doing so I need hardly remind the members of this House that when this bill of which Sheikh Mohammed Amin is the member in charge was introduced in the last session of the Assembly and after leave to introduce the bill was granted, it was referred to a Select Committee. At the time of the introduction of this bill, notice of two specific subsequent motions was given by the hon'ble member in charge of the bill and after that the House was prorogued by His Highness the Maharaja Bahadur. What happens after the order of prorogation is issued, is provided in Rule 14 of the Rules of Business. I will, Sir, invite your attention to the provision which is made in Rule 14 for the matters of such nature when the Assembly is adjourned. I shall read out the pertinent sentences of the said rule :—

".....provided further that any bill which has been introduced, any motion for the amendment of the Standing Orders which has received the leave of the Assembly shall be carried out to the list of business of the next session. But if the member in charge of a bill makes no motion in regard to the bill during the next two sessions, the bill shall lapse".

My hon'ble friend, the member in charge of the bill, gave notice of two specific motions when the leave for introduction of the bill was granted to my learned friend. Therefore no further notice need be given, because it has been specifically provided in the Rules that the bill should be brought over in the next session and it should lapse only if and when the member in charge does not make any motion during the next two years. This procedure has been exactly followed with regard to the bill which the hon'ble member has just referred, namely the Food Control Amendment Bill of which I was the member in charge. I made two specific motions with regard to that bill and since those motions were amended, my bill was referred to the Select Committee and its report has been presented in the House now and in fact passed. I did not further give any notice of any further motion with respect to the subsequent stages of the bill, because no notice was needed in the light of the existing Rules. Since I did not give any notice with regard to my own bill and since no notice was in fact necessary and since no provision in the Rules exists with regard to the justification of the point of order raised, I request that the point of order may be overruled and the hon'ble member may be allowed to proceed with the Bill.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : Before I argue on the point raised by my hon'ble friend, Mr. Beg. I would like him to tell me as to whether Sheikh Mohammed Amin when he introduced the bill on the last occasion gave any notice to the effect that the bill should be passed or referred to a Select Committee. That is one point. The second

point, I would like to have the information about is whether he wants us to understand that in regard to the Food Control Amendment Bill, the motions standing in his name on the agenda, namely (*a*) that the bill as reported by the Select Committee be taken into consideration and (*b*) that the bill be passed, were entered by the Praja Sabha Office without receiving any notice on this subject from you.

PANDIT LOK NATH SHARMA : (To Mr. Beg) In the case of your Bill.....

SHEIKH MOHAMMED AMIN : I want to see the file.

PANDIT LOK NATH SHARMA : Then the statement has been made without seeing the file.

MIRZA MOHAMMED AFZAL BEG : At the time of the introduction of this very Food Control Amendment Bill, the Hon'ble Prime Minister raised a point of order and the Hon'ble President gave a ruling on the point at issue. He extended the period and rather he adjourned the debate on that specific motion for that day and he did not ask any time subsequently to give fresh notice.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : There is some inaccuracy in your statement. I do not think that the Hon'ble President allowed any extension at that time or rather adjourned the debate. The original motion was disposed of and when you attempted to make a further motion, it was overruled and you were asked to give fresh notice and then the motion came up for discussion on some later date in the same session.

PANDIT HIRA NAND RAINA (Praja Sabha Secretary) : A perusal of the list of business of 25th October 1937 shows the following motion at item 6 :—

"Sheikh Mohammed Amin will move for leave to introduce the Agriculturists Relief Amendment Bill" and there is no further motion against his name.

As regards Mr. Beg, he had three motions against his name on that day *viz* (*a*) for leave to introduce the Kashmir Alienation of Land (Amendment) Bill (*b*) also to move that the bill be taken into consideration at once and (*c*) also to move that the bill be passed".

MIRZA MOHAMMED AFZAL BEG : In my case there were three specific motions.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : In your case there is no going back but the information I want to have is as to whether I am right in understanding that these two motions which I see entered in to-day's agenda namely (*a*) that the Food Control (Amendment) Bill as reported by the Select Committee be taken into consideration and (*b*) that the bill be passed, have been entered without your having given notice of the same to the Assembly.

MIRZA MOHAMMED AFZAL BEG : I made that clear Sir. I said that no notice was necessary.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGEX : I want to know whether the Praja Sabha Office has entered these motions for this day's meeting without your having given any notice.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Since he had given notice previously.....

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : Well, the Food Control Amendment Bill has been passed into law. We can not go back. But speaking on the point of order, I want to make it clear that on the 25th of October the item VIII entered in the agenda in Mr. Beg's name was (*a*) that the Food Control Amendment Bill be taken into consideration and (*b*) that the bill be passed. The first point was discussed and my recollection is that the Government moved an amendment for referring the Bill to the Select Committee and therefore that particular motion of yours has been disposed of by the amendment which was carried. I can't understand how the notice of the motion which was disposed of at the previous session can be entered on this session's agenda without fresh notice. If the Praja Sabha Office has done this, I am afraid, it has done this without authority.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : (To Secretary) Did Sheikh Mohammed Amin give any notice?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : I referred to the statement made by Mr. Beg. As regards Sheikh Mohammed Amin's notice at the last meeting, I find that on 25th October, the motion standing in Mr. Amin's name was :—

"Sheikh Mohammed Amin will move for leave to introduce the Agriculturists Relief Amendment Bill" and nothing further is laid down there.

PANDIT AMAR NATH KAK : My submission in regard to this point is that we have a clear ruling of the Chair given during the last session of the Assembly. Unless a specific motion for consideration has been given notice of, such motion cannot be taken into consideration, and under Rule 26 of the Rules of Business, seven clear days' notice for a fresh motion is required.

MIRZA MOHAMMED BEG : Before we come to Sheikh Mohammed Amin's Bill, I want to say one or two points with regard to the observations made by my hon'ble friend, the Prime Minister, about the motion having been entered in the list of business for to-day. In the last session of the Praja Sabha my motion for consideration of the bill was opposed by the Government.....

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : You are referring to the Food Control Amendment

Bill. That has been passed into law.

MIRZA MOHAMMED AFZAL BEG : But you said that the Praja Sabha Office did it without authority. I had not to move at this stage of the bill under Rule 55 (*a*) that the bill as reported by the Select Committee be taken into consideration. Last time when I moved for leave to take the bill into consideration after I was granted leave to introduce the bill, it was refused and the Government moved an amendment that the bill be referred to a Select Committee which was accepted. As such I had not to renew the procedure.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : To that point the Hon'ble Prime Minister did not take any exception.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : I am not even now taking any exception about the Food Control Amendment Bill. The bill will pass into law on receiving assent of His Highness.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : (To Sheikh Mohammed Amin) There is no notice.

SHEIKH MOHAMMED AMIN : I have given notice. It may be postponed till lunch time is over.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Have you not seen the file so far. The file will be shown to you. You may see it.

RULING : A point of order has been raised that Mr. Mohammed Amin--the mover of motion No. 2 on to-day's list of business has not given notice in regard to the Report of the Select Committee being taken into consideration, or that the Bill as amended by the Select Committee be passed. Mr. Mohammed Amin stated that he had given notice of the motion at the last Session ; but reference to the record shows that no such notice was given. The file was perused by Mr. Mohammed Amin and he was satisfied that no notice of such motion was given at the last session. Notice of such motions is necessary under Rule 26 of the Rules of Business. As the hon'ble member has omitted to give such notice, the motion is not in order.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Subedar Khan Mohammed Khan will now make a motion with regard to the Ram Rasum Bill.

SUBEDAR KHAN MOHAMMED KHAN : Sir, such customs are gaining ground among all the communities in the Jammu and Kashmir State. They are responsible for serious offences such as murder, loot, etc. and lead to breaches of peace, restlessness, loss of life and property and litigation.

The parents or the guardians in charge of girls recover a large amount from the bride-groom. The transaction goes by the name

"Ram Rasum".

'Ram Rasum' is not recovered from one person only, but greed and avarice lead a man to enter into agreements of marriage with one, two, three and even four persons. Having recovered a certain amount from one person, recovery is made from another person as well who offers a larger amount. Thus there are agreements of marriage with different persons from whom 'Ram' is recovered.

He who fails to get the girl inspite of having paid the 'Ram', is constrained to resort to high-handedness, if the money is not returned to him. Sometimes it leads to serious offences and even murder. Litigation is an ordinary issue. There are numerous instances as also files of cases that have arisen from this custom. A man was murdered, the arms of a Brahmin girl and the hand of a Brahmin boy were amputated. The girl is still with her parents.

Disparate marriages are contracted and the man to whom a girl is given in marriage is impoverished and put under a heavy burden of debt. He has to sell his land and is left with nothing to maintain his wife and children, with the result that the health of the people is affected very adversely, and unemployment increases. Kidnapping is also due to it. In short, all offences are due to this custom. With these words I commend the bill to the House and move that it be taken into consideration.

LALA HANS RAJ : I strongly support this motion. This is a very bad custom that we find among the people. The girls are sold in this way. The bill should be passed.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : Sir, I wish that Subedar Khan Mohammed Khan's bill should be published for eliciting public opinion. If it is correct that girls are sold, it is certainly very bad. The evil can, however, be checked by social reform, but we do not object to the enactment of a law for this purpose. Before we do so, it has to be ascertained whether all the people feel a necessity of such a law ; because in legislation public opinion has to be kept in view. So long as a law is not universal it cannot be popular. Therefore we consider it necessary to publish it for eliciting public opinion. Government will remain neutral and leave the decision to the House. If the House decide that it should be published for public opinion, the Government who have tabled this motion, shall have no objection.

LALA SHIV NATH NANDA : The bill will lapse, if it is published for public opinion.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : The bill can be introduced in the House a second time.

LALA SHIV NATH NANDA : If the hon'ble member is not returned in the next election, who will introduce the bill?

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : If it is really needed, other members will introduce it.

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN KT. : Sir, I support the amendment of the Hon'ble Law and Revenue Minister.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The Hon'ble Law and Revenue Minister has moved, by way of amendment, that the bill be published for eliciting public opinion. Those who are in favour of the motion may please raise their hands. (Hands were raised)

Those who are against the amendment may also raise their hands. (Hands were raised)

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The amendment is carried by a majority of votes.

MIRZA MOHAMMED AFZAL BEG : When the House adjourned for condolence on the previous working day, you were pleased to say that the business of that day would be taken up to-day and to-day's work put off to some other day.

PANDIT AMAR NATH KAK : Not the latter part, Sir.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : It was decided that the business of to-day will be taken up when the work of 24th March was over.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The next motion stands in the name of Mian Ahmed Yar who will present (1) the report of the Select Committee on the Agriculturists Relief Regulation (Amendment Bill) and also (2) the report of the Select Committee on the Usurious Loans (Amendment) Bill.

PANDIT AMAR NATH KAK : Under Rule 54 Mian Ahmed Yar's bill will lapse, as he is not present in the House and nobody else can make the motions on his behalf.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Mr. Beg ! Have you anything to urge in this connection?

MIRZA MOHAMMED AFZAL BEG : No Sir.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : I now give my ruling on the point.

RULING : Motion No. 1, which stood in the name of Mian Ahmed Yar could not be moved as Mian Ahmed Yar was not present in the House. A point of order was raised by Mr. Amar Nath Kak that the member in charge of the Bill alone can move the Bill, and, as that gentleman is not present, no other member can move that Motion. Mr. Amar Nath Kak placed reliance on Rule 54 (1) of the Rules of Business. Br. Beg of the Conference Group was given an opportunity if he had anything to say on the point. He stated that he had nothing to say against the point of order raised by Mr. Amar Nath Kak. As the Rule on the point referred to by Mr. Kak is clear, the Motion cannot

be taken up.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Sheikh Mohammed Amin will now move for leave to introduce the Shariat Bill now.

PANDIT LOK NATH SHARMA : Point of order Sir ! I will first raise a point of order. So far as I understand the bill of which a notice was given to the Government does not in fact bear the signatures of 2/3 members of the Praja Sabha from that community. The point is, Sir, that according to section 28 :—

"It shall not be lawful, without the previous sanction of His Highness and without the consent in writing of not less than two-thirds of the members of the Praja Sabha from the community affected, to introduce, consider or enact any measure affecting the religious rights, usages, endowments or personal law of any community".

This is section 28 of Regulation I of 1991. I will also refer you, Sir, to Rule 49 (2) of the Rules of Business and Procedure :—

"If the Bill is a Bill which under section 28 of the Regulation requires sanction, the members who in accordance with section 28 have agreed to the Bill shall affix their consent in writing and the member-in-charge shall annex to the notice a copy of such sanction, and the notice shall not be valid until this requirement is complied with".

So far as I understand, Sir, a bill was presented and a notice thereof was given to the Government which bore the signatures of certain members of the particular community referred to. That bill was entirely changed and the same signatures which appeared on the previous Bill were attached to the new bill which is now sought to be introduced and thus the requirements of law were sought to be fulfilled. My point, Sir, is that we can not proceed further with the Bill.

PANDIT AMAR NATH KAK : I nave one point to urge, Sir. In addition to the objection raised by my learned friend Mr. Sharma, I submit that notice was given 30 days before the beginning of the session, but I understand that when the notice was given, there was no sanction of the Government attached to it. And, therefore the notice, whatever it is, when it was given--was not valid.

SHEIKH MOHAMMED AMIN : Sir, the objection raised by my friend Pandit Lok Nath Sharma does not hold good on the present ocasion. Section 28, to which he had referred is :—

"It shall not be lawful, without the previous sanction of His Highness and without the consent in writing of not less than two-third of the members of the Praja Sabha from the community affected, to introduce, consider or enact any measure affecting the religious rights, usages, endowments or personal law of any community".

I submitted an application through the Hon'ble Prime Minister about the bill that I am just going to introduce in the House. The application bore the signatures of 26 members.

A VOICE : That was about a different bill.

SHEIKH MOHAMMED AMIN : That was about this bill. The Hon'ble Prime Minister told me that section 28 would not stand in the way of this bill. The Hon'ble Prime Minister as also the twenty-six nay, twenty-eight members, who had signed the application, agreed to it. Subsequently the sanction of His Highness was obtained and communicated to the Praja Sabha office also. I informed the Praja Sabha office of it two months before and supplied a copy of the bill as well. I have retained a copy. The objection is not therefore valid at this stage, because most of the conditions have been fulfilled.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : What is the objection.

PANDIT LOK NATH SHARMA : The signatures were affixed to the bill to amend section 4 of the consolidation Regulation, which the hon'ble member states has been modified now.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : So the objection is not that the bill is insufficiently signed.

PANDIT LOK NATH SHARMA : No, Sir.

SHEIKH MOHAMMED AMIN : Sir, the bill has been modified with the consent of the members whose signatures are affixed to the application. The concerned papers were submitted for His Highness' sanction through the Hon'ble Prime Minister, and the sanction has been obtained. Signatures of 26 members have been obtained, though only 23 were necessary. Mr. Sharma is raising this objection now when His Highness' sanction has already been obtained.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : Sir, I wish to make my position clear with regard to this matter because my hon'ble friend has referred to an application which he had submitted to me. It is true that he had sent up a different bill altogether with the signatures of a number of Muslim members of this House. When the Government were considering the question as to whether sanction should be given or not, Mr. Mohammed Amin came to me and discussed the matter before myself and Hon'ble Law Minister. In the course of the discussion he agreed to give notice of a bill which would be practically the same enactment as is in British India. He said that he would take back his original draft and substitute a new draft, and then it did occur to us lest section 28 might stand in the way. Because there was no time left for the hon'ble member for getting the signatures over again, I had given an assurance that so far as the Government were concerned we would take no objection if the

requirement of section 28 was not complied with. That is the assurance and I stand by the assurance.

PANDIT LOK NATH SHARMA : But if the objection is valid the matter must be set aright.

SHEIKH MOHAMMED AMIN : Sir, the twenty-six members, who supported my bill and affixed their signatures to it, support this bill also now.

MIRZA MOHAMMED AFZAL BEG : My learned friend says that those twenty-six members have signed a different bill. Sheikh Sahib states that the members support his bill even now. What I mean to point out is that it appears from Sheikh Sahib's statement that the members who signed the application are prepared to support and sign the new bill even though amended by him.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : RULING.—A point of order has been raised that the Shariat Bill now sought to be moved in the House was not accompanied by an application signed by two-thirds of the members of the Praja Sabha from the community affected by that Bill. Another point which has been raised is that sanction of His Highness was not obtained in time and a copy of that sanction was not appended to the Bill when it was originally sent for admission.

It is true that ordinarily notice of a Bill without appending a copy of sanction is not valid but it was found that on a previous occasion my learned predecessor, the late Sir Barjor Dalal, admitted a Bill without such sanction and afforded an opportunity to the mover to obtain sanction before the Bill was actually introduced. Following that precedent I allowed the hon'ble member such an opportunity and the motion was admitted. The objection on the point is accordingly over ruled.

As regards the other point I would leave the decision of the matter to the House.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Perhaps you agree to it.

VOICES : Yes, yes.

MIRZA MOHAMMED AFZAL BEG : I submit, Sir, that as the point of order has been raised by Mr. Sharma the Hon'ble President should, I think, decide it himself.

VOICES : It has been decided by the Hon'ble President.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Those of the members who consider the signatures, already affixed to the application, sufficient may raise their hands. (Hands were raised)

Those who do not consider them sufficient may also raise their hands. (Hands were raised)

As the majority is in favour of the signatures being considered sufficient, the signatures will therefore, be taken as sufficient.

Sheikh Mohammed Amin will now move that the bill be published for eliciting public opinion.

SHEIKH MOHAMMED AMIN : Sir, I move that this bill be published for eliciting public opinion.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Those of the members who are in favour of the bill being published for eliciting public opinion may raise their hands. (Hands were raised)

The House permits that the bill be published for eliciting public opinion.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : I suggest, Sir, that as we shall have a free after-noon, let us finish the questions which were fixed for to-day.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The House is adjourned till two o'clock, when we shall take up the questions fixed for to-day.

379. SARDAR MAL SINGH : Is it a fact that in the Forest Department there have been several cases of supersession and that whenever the aggrieved official has tried to approach the authorties he was threatened? If the answer be in the affirmative, then, will the Hon'ble Revenue Minister please put a stop to this and examine all such cases of supersession?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : *1st part.*— Cases of supersessions were duly reported to Government giving reasons for departure from seniority.

2nd part.—The aggrieved party has the right for appeal. The Praja Sabha Sad is requested to quote specific instances in which any threatening was given.

SARDAR MAL SINGH : What were the reasons for ignoring seniority?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : I want notice for that.

SARDAR MAL SINGH : The reply states that there was a departure from seniority. I want to know the reasons for this departure. I think no notice is necessary for this question.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : I have no knowledge of that. The hon'ble member should give notice.

SARDAR MAL SINGH : Will you let me know afterwards?

KHAN BAHADUR RAJA MOHAMMED AFZAL KAN : I don't know where the Chief Conservator of Forests is at present. The Praja Sabha will be dissolved by the time the reply is received.

SARDAR MAL SINGH : There is yet much time for the Praja Sabha to be dissolved. The reply will be received by that time.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : No promise can be given.

380. SARDAR MAL SINGH : Is it a fact that in the Forest

Department a Guard is required to keep a horse although he is not paid any horse allowance? If the answer be in the affimative, will the Hon'ble Revenue Minister please state reasons for the same?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The reply is in the negative. The latter part of the question does not arise.

SARDAR MAL SINGH : Will instructions be issued about it, because a misunderstanding prevails at present.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : There is no necessity of any instructions. What will be the use of such instructions when it is not binding upon them to keep a horse

SARDAR MAL SINGH : Sir, in actual practice, this is done. They are compelled to do it.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : If a concrete case is brought to our notice, we shall look into it

SARDAR MAL SINGH : What to say of one case, I can submit a list.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : You can send the complaint to me, but no instructions can be issued.

381. SARDAR MAL SINGH : (*a*) Is it a fact that there was hail-storm in Tehsil Uttar Machhipura in the month of Bhadon 1994 and the officers after examining the conditions on spot prepared cases for the remission of revenue but all such cases are lying in the Tehsil so far?

(*b*) Is it a fact that the realization of revenue for the kharif crop starts on 15th Magh? Will the Hon'ble Revenue Minister please state reasons for allowing the files to lie so long in the Tehsil?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) and (*b*) Yes, and the question of remission of revenue on the merits of each case is receiving attention. It is not correct as stated that the case is pending in the Tehsil.

SARDAR MAL SINGH : Where are the papers then?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : They are not in the Tehsil, but have been submitted to the higher authorities. They must be in the office of the Wazir or Governor.

SARDAR MAL SINGH : Why did the case remain pending so long?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The cases have to be examined.

SARDAR MAL SINGH : But why was there so much undue delay.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : There is other work also. Fire broke out twice and the record was burnt. The staff was engaged in the preparation of new record. There are many such difficulties.

382. SARDAR MAL SINGH : Is it a fact that a part of the

Sopore-Hindwara road has been metalled and leaving about two miles from Kolongam the road on the side of Drugmula upto the Overseer's quarter has also been made pucca? If the answer be in the affirmative, then, will the Hon'ble Home Minister please state why has not the road been made pucca upto Hindwara Tehsil?

PANDIT RAM NATH SHARMA : The project estimate for shingling surface of the road was made for Sopore-Drugmulla road of which Sopore-Hindwara road is a part upto the Kolongam bridge wherefrom it branches off to Hindwara. The portion of road from Kolonga mbridge to Hindwara is about 2 miles and was not included in the project for main road, being a branch road. Its surface will also be shingled in due course after the main road has been completed and when funds are forthcoming.

383. SARDAR MAL SIUGH : Is it a fact that there is no dispensary in Hindwara while there is one in Langet, inspite of the fact that Hindwara is the Head quarter of Tehsil Uttar Machipura? If the answer be in the affirmative, then, will the Hon'ble Home Minister please state why is there no dispensary at the Tehsil Head quarters?

PAUDIT RAM NATH SHARMA : In view of the population of Langet being 1,329 against 1,031 of Hindwara and there being a suitable State building available for the dispensary at Langet, and in consideration of there being a distance of only two miles between the two places, shifting of the Langet dispensary to Hindwara is not desirable.

384. SARDAR MAL SINGH : Is it a fact that there is a Chak at Palhalan, Tehsil Baramulla which belongs to Pt. Dina Nath Khazanchi and other survivors of the late Pt. Sri Kanth Khazanchi? Is it also a fact that the said Chak has been under floods during the years 1985-1995 but revenue was totally remitted only for the years 1987-88?

If the answer to the above be in the affirmative, then, will the Hon'ble Revenue Minister please state why only one instalment of the total revenue was remitted for the years 1985-1990 when the area was under floods during these years also?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : *1st part.*— Yes.

2nd part.—The Chak was under floods during kharif 1986 and the year 1987 and 1988 and remission of revenue for these years was duly given according to the rules. For the remaining years the land having never been found under water, the question of remission does not arise.

385. SARDAR MAL SINGH : Is it a fact that there is a Chak yielding both Rabi and Kharif crops at Rakh Sultan Pura, Tehsil Baramulla which belongs to Pt. Dina Nath Khazanchi and other

survivors of the late Pt. Sri Kanth Khazanchi?

Is it also a fact that from early 1985 to 1992 this area has remained under floods and therefore the entire revenue has been remitted? If the answer be in the affirmative, will the Hon'ble Revenue Minister please state why revenue has not been totally remitted in Chak Halan which yields only one crop a year and has been under floods? What are the reasons for this dual treatment in the two villages?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : *1st part.*—Yes.

2nd part.—Remission under rules has been granted tc the Chakdar for the years for which the Chak was under water.

3rd part.—Chak Hallan has no separate existence and does not form a separate Mahal. The question of remission does not therefore arise.

SARDAR MAL SINGH : Did the Chakdar apply for the remission of the entire revenue, as his land was under water?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : He may have done so. You have not stated that in your question.

SARDAR MAL SINGH : Was action taken on the Patwari's report or after a responsible officer had visited the spot?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Rules require a gazetted officer to go on the spot personally and verify the Patwari's report.

SARDAR MAL SINGH : But the officers do not go.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : If they don't go, we shall instruct them to do so in future. It is the zamindars who benefit by their not going.

386. SARDAR MAL SINGH : Is it a fact that revenue for 1985 amounting to Rs. 35/5/- for the land of Pt. Dina Nath Khazanchi situated in Rakh Sultan Pura, Tehsil Baramulla was remitted to him?

Is it also a fact that the Pandit had made an application to the Governor, Kashmir on 19th Magh 1991 for refund of the amount?

If the answer be in the affirmative, then, will the Hon'ble Revenue Minister please state reasons why the petitioner has not been granted refund so far?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Yes, the question of remission of revenue amounting to Rs. 55/5/- and not Rs. 35/5/- to the Pandit is under consideration.

SARDAR MAL SINGH : How long will it remain under consideration?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : It will be decided soon. The Jagirdar slept over the matter first. He applied very late, that is, in the year 1919 for the amount that

was due in 1985. The papers have had to be sent to the Accountant General.

SARDAR MAL SINGH : Was not the time from 1991 to 1994 enough to decide this case?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The time is sufficient, provided that the record is handy. Sometimes, it so happens that the record is not handy and this results in delay.

PANDIT JIA LAL KILAM : Is there no financial difficulty? (Laughter)

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : No.

387. LALA RAM LAL VAKIL : (*a*) What is the amount of tax charged annually on tongas, lorries and motor cars by the Poonch Municipal Committee? What is the amount so far, realized by the said committee by way of tax on these vehicles?

What is the amount spent by the said Municipal Committee on the repair of roads, open to motor and lorry traffic?

(*b*) If the reply to the last portion of part (*a*) be in the affirmative, it may please be stated what was the amount spent on each road and what is the balance?

WAZIR FEROZ CHAND : (*a*) The amount of tax charged annually on tongas etc. by the Municipal Committee Poonch is as under :—

	Rs.
Tonga	... 6
Motor	... 12
Lorry	... 18

Total amount of tax so far realized on above account comes to Rs. 283.

Repairs to these roads are done by the Public Work Department and only scavenging is done by the Committee for which 4 sweepers at Rs. 7 p. m. each are daily at work. The annual expenditure on this account comes to Rs. 336. So far Rs. 280 have been spent by the Committee for the purpose, leaving a balance of Rs. 3.

(*b*) In view of the above the first part of the question does not arise. As to the balance of tax noted above the same is lying in deposit in the Illaqa Treasury alongwith other Municipal money. The receipts are not separately earmarked for separate items of expenditure.

LALA RAM LAL VAKIL : Are the roads, for which the Municipal Committee charges a tax under the Municipal Act, transferred to the Public Works Department? Why don't they maintain these

roads themselves, when they realize the tax?

WAZIR FEROZ CHAND : It involves an expenditure of hundreds of rupees, and if this burden is imposed on the Municipality it cannot bear it.

388. LALA RAM LAL VAKIL : (*a*) Will the Government please state what was the total income of the Poonch Municipal Committe efrom Baisakh 1994 to the end of Poh 1994. What was the amount spent on the salary of the establishment of the Municipal Committee during the said period? What amount was spent on works of Public utility? The details of the amount expended on works of public welfare may be given separately, and the amount spent on each work stated.

WAZIR FEROZ CHAND : (*a*) Total income of the Poonch Municipality from Baisakh 1994, to the end of Poh 1994, amounts to Rs. 11,370. Amount spent on the salary of the establishment of the Municipal Committee during the said period comes to Rs. 2,950/1/4.

A sum of Rs. 3,310/12/- as detailed below, has been spent on the works of public utility :—

(*i*) Town scavenging *viz* amount paid	..	2,060	9	6
(*ii*) Amount paid to Chowkidars for watch and ward of the Town	...	243	12	9
(*iii*) Lighting charges	...	388	0	0
(*iv*) Opening of a temporary dispensary during the Maleria season	...	364	3	0
(*v*) Cleaning of wells and springs and erection of a Tube well	...	56	13	6
(*vi*) Construction of bridges and repairs to Kuhls etc.	...	155	7	3
(*vii*) Other Miscellaneous	...	41	14	0

LALA RAM LAL VAKIL : Why is the saving of seven thousand rupees spent on roads?

WAZIR FEROZ CHAND : Water-taps and electric lamps have to be fixed along the roads and the amount will be spent upon them. It cannot be spent on roads as the Public Works Department bears their cost.

389. LALA RAM LAL VAKIL : (*a*) It may please be stated whether, prior to the establishment of the Poonch Town Area Com-

mittee, there were electric lamps on the Poonch river road, Bagh Deodi road Dogas and Langana ban?

(*b*) If the reply to part (a) be in the affirmative, it may be stated whether the absence of any light on these roads is not causing inconvenience to the public?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) There are already lamps at all necessary points. The Municipal Committee has so far received no complaint of any inconvenience having been felt by the Public for want of more lamps on the roads in question.

LALA RAM LAL VAKIL : Did I not complain to the Wazir Poonch of the inconvenience due to absence of light on the roads?

WAZIR FEROZ CHAND : I don't remember. Whoever feels the inconvenience should submit an application or if there is any other inconvenience, it should be brought to the notice of the Municipality.

LALA RAM LAL VAKIL : Can't the Municipality find it ieself?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Please don't argue. The question has been replied.

390. LALA RAM LAL VAKIL : (*a*) Is it a fact that in Poonch proper the condition of drinking-water springs and wells is going from bad to worse, especially that of Dongas spring which has run dry.

(*b*) If the reply to (*a*) be in the affirmative, it may please be stated why the Poonch Municipal Committee did not pay attention to the repairs and the cleaning of the springs and wells in Poonch? Who is responsible for it?

Will the springs and wells be repaired and cleaned at an early date? If not why? If the reply to part (*a*) be in the negative, it may be stated what amount has been spent on the cleaning of the springs and wells in Poonch. The details of the expenditure incurred on each spring and well may be given separately.

WAZIR FEROZ CHAND : (*a*) No, so far as the first part of the question goes. It is true that the Dongas spring ran dry during the last few months due party to the scantiness of rain and party to the change in the direction of the water course which is itself was perhaps due to the construction of two Baolies to its North-Fast.

(*b*) The Municipal Committee is paying its utmost heed to the repairs and cleaning of the wells and springs. From Baisakh 1994, to end of Poh 1994, the Committee has spent Rs. 20/8/- on the cleaning etc. of Public wells and springs.

No separate accounts of expenditure incurred on each spring and well have been kept by the Committee.

391. LALA RAM LAL VAKIL : Is it a fact that the village Kamser, adjoining Poonch, has been included in the limits of the Poonch Municipal Committee?

Is it also a fact that the residents of the said village submitted an application for the village being excluded from the said Municipal limits.

(*b*) If the reply to part (*a*) be in the affirmative, it may please be stated why Kamser was not excluded from the Poonch Municipal limits, especially when the committee derives no incom from any tax in the said village. Is it not intended to show an increase in the Muslim population within the Poonch Municipal limits, because ninety five per cent. of the population in Kamser consists of Muslims? The reasons may be stated in detail.

WAZIR FEROZ CHAND : (*a*) Yes. An application under the signatures of 50 persons out of a population of 300 was submitted to the President of the Municipal Committee for excluding Kamser from the Municipal limits.

(*b*) Kamser cannot be excluded from the Municipality firstly because it is really a part of the Town and secondly because the Town proper is developing and is expected to develop towards Kamser direction during the next decade so as to become a part of the Town. The burden of Municipal taxes is being shared by the inhabitants of Kamser equally with others. This part of the Town was not included within the Municipal limits with the intention of bringing about an increase in the population of the Muslims as supposed by the Praja Sabha Sad Sahib.

The total population of Kamser being only 300 its inclusion would not affect the relative strength of the different communities living within the Municipality.

LALA RAM LAL VAKIL : If out of a population of three hundred, fifty persons sign the application, will that not be taken as worthy of consideration?

WAZIR FEROZ CHAND : No, it was not thought proper.

LALA RAM LAL VAKIL : Does the Municipal Committee realize no tax from this village? Is that village outside the Municipal limits?

WAZIR FEROZ CHAND : Please read the reply carefully. It is within the Municipal limits and tax is realized.

392. LALA RAM LAL VAKIL : Will it please be stated.

(*a*) What is the total length of the telephone line from Poonch to Baramulla? How much did it cost? It may also be stated whether the said line is for official use or public use as well?

(*b*) If the reply to last portion of part (*a*) be that the said line is for public use as well, it may be stated whether half of the income is paid to the Poonch Administration or not, because half of the expenditure on the line was borne by that Administration?

PANDIT RAM NATH SHARMA : (*a*) Length of line line = 57 miles approximately.

It cost = Rs. 26,670. At present this line is for official use

only.

(*b*) The question does not arise.

SARDAR DHIAN SING : When so much public money has been spent on it, why is it not opened to the public?

PANDIT RAM NATH SHARMA : You have raised this question now it will be considered.

393. LALA RAM LAL : (*a*) Did the people of Poonch several times demand the installation of meters instead of limiters in their houses? Did the Electric Department say that they had no funds to enable them to order limiters?

(*b*) If the reply to part (*a*) be in the affirmative, it may please be stated whether the Poonch Administration has any objection to the people buying limiters at their own cast and installing them in their houses? If they have any objection the reasons may be stated in detail. If the reply to part (*a*) be in the negative, it may be stated whether the Poonch Administration is prepared to provide limiters or not? If not, why?

WAZIR FEROZ CHAND : (*a*) The Administration is not aware of any such written application having been submitted by the people.

In view of the above the last part of the question does not arise.

(*b*) As the rules are at present, this request cannot be acceded to. The Department cannot exercise effective control over the consumption of power by the consumers in the absence of metres and accordingly it is not prepared to have limiters in place of metres.

LALA RAM LAL VAKIL : My question is whether the people have any right to instal limiters.

WAZIR FEROZ CHAND : No.

LALA RAM LAL VAKIL : Will limiters be removed from the house, where they have already been installed?

WAZIR FEROZ CHAND : Yes, all limiters will be removed and metres installed instead.

394. LALA RAM LAL : Will the Government please state what is the distance between the following places :—

Poonch *via* Rawlakote to the headquarters of Tehsil Bagh, Rawlakote to Palandri, Poonch and Dharamsal Mendhar. What will be the total cost of constructing a telephone line over all this distance, assuming that the poles are wooden?

WAZIR FEROZ CHAND : Distance between the places mentioned in the question is as under :—

Poonch to Bagh proper *via* Rawlakote ... 50 miles approximately.

Bawlakote to Palandri.—Route not stated. The approximate distance may be taken as 30 miles.

Poonch to Dharamsal Mendhar .. 28 miles.

Total mileage approximately comes to 108 miles. Estimate can not be prepared at such a short notice.

LALA RAM LAL VAKIL : In reply to my resolution on this subject, moved in the last Jammu Session, it was stated that it would cost ninety thousand rupees.

WAZIR FEROZ CHAND : That was a rough estimate.

395. PEER HSAM-UD-DIN SHAH : (*a*) In reply to my question asked in the last session of the Praja Sabha in which it was enquired whether the Poonch Administration was prepared to borrow the services from the Government of India of an agricultural expert who may tour in the Illaqa and after testing the lands, may introduce latest methods, it was stated in Q. D. No. 405 that if the services of an agricultural expert were needed, the same would be borrowed from His Highness' Government?

(*b*) It may please be stated whether the services of an agricultural expert are not needed for Poonch and whether His Highness the Maharaja Bahadur have not borrowed the services of an agricultural expert from the Government of India?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) We have already a man with good experience of agriculture incharge of the Department when any expert advice is needed, we can have it from the Director of Agriculture, His Highness' Government, Jammu and Kashmir.

396. PEER HISAM-UD-DIN SHAH : (*a*) Do Government know that people who go to the Punjab from Poonch or who go to Poonch from the Punjab have to experience great inconvenience at Gutalian and Sehra when they are asked to pay customs duty inspite of the fact that the articles for which customs duty is demanded are not used in Jammu and Kashmir State?

(*b*) If reply to part (*a*) be in the affirmative, will Government introduce the bond system and remove the difficulty of the people? If not, why?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) The matter has already been represented to His Highness' Government.

397. PEER HISAM-UD-DIN SHAH : (*a*) Is it a fact that many times it has been brought to the notice of the Government that travellers have to experience great difficulty for want of a bridge over the Nullah Neel near Kotli?

(*b*) If reply to part (*a*) be in the affirmative, will it please be stated as to what has been done by the Government in this behalf?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) and (*b*) The attention of the hon'ble member is invited to the answer given to Question No. 528 put by Sardar Dhian Singh, reproduced below :

"Presumably the Praja Sabha Sad refers to question regard-

ing construction of a bridge on Neel Nullah on Kotli Rambari Road. If that is the case, the estimate for the Bridge stands sanctioned and arrangements for funds are being made".

398. PEER HISAM-UD-DIN SHAH : Will Government please state reasons for which a Telephone line has been set up by spending a large amount over it in Poonch?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The telephone line was erected in the interests of the administration and for the convenience of the public.

PEER HISAM-UD-DIN SHAH : What interest have the public in it? Can they use the line?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The matter is under consideration.

399. PEER HISAM-UD-DIN SHAH : (*a*) Is it a fact that thousands of men and women visit Tatapani every year for taking bath with a view to getting themselves cured of different maladies?

(*b*) If reply to part (*a*) be in the affirmative, will it please be stated whether any facilities have been provided for the people at Tatapani, which is situated on the bank of the river, so that the men and women may take bath in Parda and their morals may not be adversely affected?

(*c*) If reply to (*b*) be in the negative, are the Poonch administration prepared to construct separate bath rooms at the Spring of Tatapani on scientific lines? If not, why?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) A very commodious building has been constructed for the accommodation of the visitors. Purdah women can arrange to have bath inside the building if they so desire.

(c) The question does not arise.

400. PEER HISAM-UD-DIN SHAH : (*a*) Will Poonch Administration please state what arrangements regarding the plantation of new forests have been made so that besides the income from the forests the Government may be saved from the loss caused to it by the damaging of agricultural land on account of flood?

If the reply be in the negative, it may be stated whether the Poonch Administration will pay special attention in this behalf?

WAZIR FEROZ CHAND : (*a*) No steps have been taken so far, nor there is any possibility to take any, because there is hardly any blank area left which has not been brought under cultivation by the zamindars. The closure of an area is absolutely necessary and a condition precedent to starting plantation, but this is strongly opposed by the zamindars.

(*b*) However question of re-afforestation will be considered when zamindars co-operate with the Administration for closing in the demarcated forests for the purpose.

401. PEER HISAM-UD-DIN SHAH : (*a*) Are the Poonch

Administration aware that the Earthquake shockes have resulted in crevices in the building of High School and accident is apprehended at every moment?

(*b*) If reply to part (*a*) be in the affirmative, will the administration make some arrangements for a suitable building for the High School so that the lives of the students may be protected against danger?

WAZIR FEROZ CHAND : (*a*) Yes, there have been some crevices but it is not true that there is an apprehension of an accident at every moment.

(*b*) The question of acquisition of land for the construction of a new school building has already been decided and action is being taken in the matter according to the provision of the Land Alienation Regulation.

The Executive Engineer has already been directed to put up a plan and an estimate for the construction of the building. A sum of Rs. 10,000 has been ordered to be kept in the next year's Budget as a first instalment for the purpose.

402. PEER HISAM-UD-DIN SHAH : (*a*) Do the Poonch Administration realize that the number of trained teachers in the Education Department is very small due to the fact that the local graduates are not being sent for training?

(*b*) If reply to part (*a*) be in the affirmative, are Government prepared to grant sufficient scholarships in favour of such graduates and send them for B. T. or S. A. V. training so that instead of borrowing the services of foreign trained persons, local persons may be available for this purpose? If not, why?

WAZIR FEROZ CHAND : (*a*) Yes, so far as the graduate teachers are concerned.

(*b*) The question of deputing local graduates for S. A. V. and B. T. training is already under consideration of the Administration.

403. SARDAR DHIAN SINGH : (*c*) Is it a fact that there is no nurse in dispensaries in the suburbs of Poonch which are in charge of Assistant Surgeons?

(*d*) Is it also a fact that without a nurse in the dispensaries of suburbs ladies are put to trouble?

(*e*) If all this be a fact, will the Government of Poonch grant one nurse to each of the dispensaries in the suburbs and thereby win good wishes of fair sex?

WAZIR FEROZ CHAND : (*c*) Yes.

(*d*) No.

(*d*) In view of the above, the last question does not arise.

SARDAR DHIAN SINGH : On whose report is the Wazir's reply—that the women are not put to any trouble for want of nurses—bases?

WAZIR FEROZ CHAND : The department to which the ques-

tion pertains.

SARDAR DHIAN SINGH : Is there any report with you?

WAZIR FEROZ CHAND : There must be.

SARDAR DHIAN SINGH : Will it be placed on the table?

WAZIR FEROZ CHAND : No.

SARDAR DHIAN SINGH : Why should the question of keeping a nurse not be considered?

WAZIR FEROZ CHAND : The question of keeping a nurse will be considered, when the necessity arises.

404. SARDAR DHIAN SINGH : Is it a fact that since last Sawan the subjects of Poonch are continuously suffering from Maleria, Influenza and Pneumonia and hundreds of deaths have taken place? If this be a fact, will the Administration of Poonch please state what special steps have been taken to prevent the spread of these diseases? How many more doctors have been sanctioned and what special expenditure has been incurred?

WAZIR FEROZ CHAND : Yes. To combat the diseases mentioned in the question, one Additional Sub-Assistant Surgeon, 10 Compounders and 2 Khidmatgars were engaged. Besides S. A. S. I/C outlying dispensaries were directed to make tour in their respective Tehsils and distribute medicines to the sufferers. A sum of Rs. 1,200 approximately has been spent over and above the annual sanctioned grant.

SARDAR DHIAN SINGH : Was this nurse sufficient, in view of the deaths that have occurred?

WAZIR FEROZ CHAND : Yes, she was sufficient.

405. SARDAR DHIAN SINGH : (*a*) Is it a fact that the house which has been rented for the Middle School of Bagh is in a bad condition?

(*b*) Is it also a fact that the Raja Sahib while on tour in Hangam granted the request of his subjects for constructing a new house for the school?

If question (*a*) and (*b*) be correct, when may the new building for the school be expected to be constructed?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) Yes.

(*c*) The expenditure for the construction of the school building has been ordered to be provided in the next year's Budget.

406. SARDAR DHIAN SINGH : Is it a fact that for rural inhabitants previously one pice per rupee was realised along with the revenue? Was the income from this tax used for the betterment of the inhabitants of each Tehsil? If not, will the Government do this and fulfil the object for which this tax is realised, and spend the above sums in each Tehsil and thus give a proof of doing real uplift work?

RAI BAHADUR PANDIT RAM CHAND KAK : No tax has so far

been realized by this Department for rural uplift purposes.

407. SARDAR DHIAN SINGH : (*a*) Will the Poonch Administration kindly state the names of the officers who have placed orders for medicines for Poonch dispensary during the last two years?

(*b*) Are rates enquired from different Firms before medicines are purchased and is the standing of each firm enquired into or is it that the medicines are purchased from one firm? If so, will the name of this firm be kindly stated?

WAZIR FEROZ CHAND : (*a*) On submission of quotations of different firms by the Chief Medical Officer Poonch the Wazir Poonch placed orders with the Firms for supply of medicines during the period in question.

(*b*) Yes,so far as the first part of the question goes.

The medicines have been purchased from the Bengal Chemical and Pharmaceutical Calcutta, which is a very reliable Firm and whose rates are cheaper than those of others.

SARDAR DHIAN SINGH : Have you received any report that the medicines are bad.

WAZIR FEROZ CHAND : No report has been received, and even if one is received, I am not prepared to believe it.

SARDAR DHIAN SINGH : In what capacity are you not prepared to believe it, when an Assistant Surgeon has considered them bad and submitted a report to that effect.

WAZIR FEROZ CHAND : His Officers have refuted him.

408. SARDAR DHIAN SINGH : (*a*) Is it a fact that in reply to Q. D. No. 697 of the Kashmir Session of 1994 the Hon'ble Finance Minister was pleased to say that the system of bonded goods can be adopted at Gutalian if the Poonch Administration does not object to it?

(*b*) Is it a fact that the Poonch Administration has been writing regularly for the bonded system being re-introduced?

(*c*) Is it also a fact that the bonded system was introduced after a mutual written willingness between His Highness' Government and the Poonch Administration and is it a fact that for more than fifty years this system was in vogue?

(*d*) Is it also a fact that His Highness' Government put an end to this mutual agreement against the principles of trade and of old practice on the receipt of merely a letter from the Wazir of Poonch and imposed a new tariff at Guttalian?

If the reply to the above be in the affirmative, why has the bonded system not been re-introduced again and when will it be introduced?

PANDIT RAM NATH SHARMA : (*a*) No, the reply given in the last session was that the possibility of restoring the bonded system *via* Gutalian Customs Post would be investigated.

(*b*) Yes, a request was received.

(*c*) Yes, the bonded system between Poonch and the State existed for a good long time.

(*d*) (*i*) The transit of goods in bond *via* Gutalian was stopped at the request of the Poonch Administration.

(*ii*) The question of allowing transport of goods *via* Gutalian free of duty under certain conditions is under correspondence with the Poonch Administration and further action depends upon the decision of His Highness' Government.

SARDAR DHIAN SINGH : I want to know whether the Hon'ble Finance Minister did not, when I put the question on the previous occasion, say that an investigation would be made on spot.

PANDIT RAM NATH SHARMA : There might have been a talk between you and the Hon'ble Finance Minister.

SARDAR DHIAN SINGH : What I have asked is whether permission of the Raja of Poonch has been obtained to abolish the bonded system.

PANDIT RAM NATH SHARMA : This has already been stated in part (*d*).

SARDAR DHIAN SINGH : Was there no agreement between His Highness and the Raja of Poonch?

RAI BAHADUR PANDIT RAM CHAND KAK : There was no agreement, but a request by the Poonch Administration.

SARDAR DHIAN SINGH : When the subjects of His Highness enjoy concessions, why are the Poonch people maltreated.

RAI BAHADUR PANDIT RAM CHAND KAK : No toll is charged.

SARDAR DHIAN SINGH : It is charged.

RAI BAHADUR PANDIT RAM CHAND KAK : If you have paid through an error, that is different.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Your question has, however, been replied, and attention of the Government has been drawn to it.

SARDAR DHIAN SINGH : Will the realization of duty be suspended pending an investigation in the matter.

RAI BAHADUR PANDIT RAM CHAND KAK : No duty is realized at Gatalian.

SUBEDAR KHAN MOHAMMED KHAN : Sir, the duty is realized. That is a fact.

PANDIT RAM NATH SHARMA : There seems to be some misunderstanding. Goods are of two kinds—personal and commercial. Duty is charged for personal goods but not for commercial goods.

LALA RAM LAL VAKIL : I want to know on what principle duty is charged at the Gutalian post. You have got a customs post here. I want a reply to that.

RAI BAHADUR PANDIT RAM CHAND KAK : The reply is that

there is a customs post at Sethra to see whether goods, that pass the Gutalian customs post under bond, actually enter Poonch or not. No duty is charged there.

LALA RAM LAL VAKIL : My submission is whether the State will issue orders that no duty should be charged there.

RAI BAHADUR PANDIT RAM CHAND KAK : No orders will be issued, because no duty is realized there.

SARDAR DHIAN SINGH : I request the Hon'ble Prime Minister to inquire into this matter.

RAI BAHADUR PANDIT RAM CHAND KAK : If the gentleman will put in a written representation, it will be considered in the light of facts.

SARDAR DHIAN SINGH : We have submitted many representations to the Hon'ble Ministers regarding this injustice.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : However, your representation will be considered.

409. SARDAR DHIAN SINGH : Is it a fact that unlike other departments the teachers employed in the education department have no grades?

If it is a fact, will Government kindly fix some grade for the teachers.

PANDIT RAM NATH SHARMA : Lower posts are graded.

A scheme for revising the pay of all teachers on a time scale basis is under consideration.

410. SARDAR DHIAN SINGH : (*a*) Is it a fact that in reply to Q. D. No. 616 asked in the March-April 1937 Session, it was stated that the construction of a Kacha bridge over Niel canal will be considered?

(*b*) Is it also a fact that in reply to Q. D. No. 663 asked in the Assuj-Katik 1994 Session it was stated that bridges have been constructed on the Niel canal? If questions (*a*) and (*b*) be correct will the Government kindly state on which places bridges were constructed and how much amount was spent on their constructiaon? It may also be stated which of the bridges exist there at this time except the temporary bridge which was constructed at 'Harigail' during the auspicious tour of His Highness the Maharaja Bahadur?

PANDIT RAM NATH SHARMA : (*a*) and (*b*) Presumably the Praja Sabha Sad refers to question regarding construction of a bridge on Neel Nullah on Kotli Rambari Road. If that is the case, the estimate for the bridge stands sanctioned and arrangement of funds are being made.

SARDAR DHIAN SINGH : Will the matter be expedited?

PANDIT RAM NATH SHARMA : Yes.

LALA RAM LAL VAKIL : Was it promised in the last Jammu session that the bridge would be included in the budget for the year 1937.

PANDIT RAM NATH SHARMA : That is not known to me.

511. SARDAR KANHAYA SINGH : Will the Government please state how many new appointments have been made in the Jammu and Kashmir State during the year 1937? How many of them are Gazetted, non-Gazetted and menials? It may be separately stated how many of the persons appointed are Hindus, Sikhs and Muslims in the Districts of Jammu and Kashmir?

RAI BAHADUR PANDIT RAM CHAND KAK : Yearly statements showing community-wise new appointments made from mid-April to mid-April are published each year in the Government gazette. The latest statement has been published in the Government gazette dated the 8th Magh 1994, to which the hon'ble member is referred. Statements giving information District-wise are not maintained by Government.

412. SARDAR KANHAYA SINGH : (*a*) Is it a fact that in the various sessions of the Praja Sabha, the Sikh members by means of questions and resolutions have invited the attention of the Government to the fact that in services, education and scholarships the Sikhs have been ignored? The Government have always replied that these questions will receive consideration, that justice will be done and that the Government will pay attention to this thing in future, and that the deficiency of Sikhs will be made good by grant of scholarships and recruitment in the services? If the reply be in the affirmative, will Government kindly explain the real policy to the Sikhs, so that they may not rely on promises alone? Will the Government also kindly state if the Sikhs deserve equitable treatment and whether all facilities will be given to them, so that Sikhs may stand shoulder to shoulder with other communities and do their best in the service of country?

RAI BAHADUR PANDIT RAM CHAND KAK : The policy of the Government to the Sikhs as to other communities is to mete out equitable treatment and afford all facilities for their full development. All that is possible to safe-guard the rights of Sikhs in regard to recruitment is being and will be done. The Sikhs are not treated less favourably than other communities.

SARDAR DHIAN SINGH : Will these undertakings be given a practical shape?

RAI BAHADUR PANDIT RAM CHAND KAK : This is the practical shape.

413. SARDAR KANHAYA SINGH : (*a*) Is it a fact that in reply to the Sikh member's question No. 502 asked in the Jammu session of the Praja Sabha in April 1937, the Government gave facts and figures and invited a fresh question at the time when supplementary questions were put? It may kindly be stated, in which year was a Sikh student deputed on State expenses to receive training in England and what is his name?

(*b*) Is it a fact that since the formation of Scholarship Board no Sikh State Stipendiary has been sent out for Foreign Training and this has also to be acknowledged by the Government? If the reply be in the affirmative, his name may be stated so that we could know, whether stipendiary was or was not a Sikh?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Yes. Doctor Pratap Singh was deputed for training to England in September 1921 .

(*b*) No Sikh student was deputed for Foreign Training since the constitution of the Scholarship Slection Board.

414. SARDAR KANHAYA SINGH : Will Government please throw light on the following points :—

(*a*) Whether Doctor Pratap Singh got the stipend before the constitution of Scholarship Slection Board or after that?

(*b*) Was he made to refund the amount because of his failure? What was the amount refunded?

(*c*) Are the other stipendiaries, who fail in the examination, required to refund the amount paid to them in the form of stipend, or was this treatment meted out to Doctor Pratap Singh only? Instnaces may kindly be quoted?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Yes—before.

(*b*) Yes. Rs. 13,250/5/4.

(*c*) Yes. Jamna Devi a teacher in the Education Department who failed in the S, V. Examination is being asked to refund the amount of stipend.

SARDAR KANHAYA SINGH : Did nobody else fail during this period or was this treatment meted out to Sikhs alone?

RAI BAHADUR PANDIT RAM CHAND KAK : I have no knowledge. That is a new question.

415. SARDAR KANHAYA SINGH : Is it a fact that no scholarships have so far been given to Sikh students for foreign training? If the reply be in the affirmative, will Government make up this deficiency in future?

RAI BAHADUR PANDIT RAM CHAND KAK : No. One such scholarship was granted to Doctor Pratap Singh.

416. SARDAR KANHAYA SINGH : (*a*) Is it a fact that in reply to question No. 503 asked in the last Jammu Session 1937, the Government had stated that the number of posts held by Sikh Gazetted Officers which had fallen vacant was eight?

(*b*) Is it a fact that recently the post held by Professor Bahadur Singh has fallen vacant?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Yes.

(*b*) Yes.

417. SARDAR KANHAYA SINGH : Will the Minister concerned kindly state why no arrangements have yet been made at the Headquarters of Tehsil Uri, District Muzaffarabad for the proper sup-

ply of drinking water inspite of the fact that public sent many petitions in this behalf and an assurance was given in Praja Sabha Session that steps would be taken to provide water? Will the arrangements be made in the begining of the coming year 1995, so as to remove the inconvenience of the public with regard to water supply for drinking purposes?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : *1st part.*— It has not been possible to make any cheap arrangement for a small village like Uri which has a population of less than 1,000 souls. The Bowli which is the existing source of water supply has been improved

2nd part.—It has not been found anywhere that any assurance was given by the Government.

3rd part.—No further arrangement is at present proposed.

SARDAR KANHAYA SINGH : Is not the Government prepared to hold out a promise for so beneficial a work as the supply of water?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : As the scheme involves an expenditure of thousands of rupees, the Government is not prepared to give any promise.

SARDAR DHIAN SINGH : You may take up a cheaper scheme.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : You may dig a well there.

418. SARDAR KANHAYA SINGH : Is it a fact that the rural inhabitants have constructed a bridge near Rara in District Muzaffe-rabad over the river Jhelum and that this bridge stands in need of repairs now and it is dangerous for public use, will the Government kindly allot a small sum and order for necessary repairs to be made to this bridge? If the reply be in the affirmative, will the repairs be undertaken in the coming season?

PANDIT RAM NATH SHARMA : This bridge is not in charge of the Public Works Department and therefore no funds can be arranged by this Department for its repairs.

419. LALA SHIV NATH NANDA H (*a*) Is it a fact that during the Muslim agitation the Government had advanced loans as an aid to the Hindus of Kotli for rehabitation?

(*b*) Is it a fact that the Government is now compelling them to repay the loans?

(*c*) Is it also a fact that in view of the present economic depression these people will not be able to repay these loans for a long time to come. If the reply be in the affirmative, will the Government please issue orders for the remission of their loans. If the reply be in the negative, the reasons therefor may kindly be stated fully taking into consideration the present day unemployment and economic depression.

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Yes.

(*b*) and (*c*) A reference is invited to the reply given to Bakhshi Moti Ram Praja Sabha Sad's questions No. 60, on 16th March 1938.

LALA SHIV NATH NANDA : Will that reply be read out?

RAI BAHADUR PANDIT RAM CHAND KAK : You shall perhaps have that with you.

LALA SHIV NATH NANDA : I have not got. Please read it out.

LALA SHIV NATH NANDA : Will the Hon'ble Minister concerned say if these recoveries are not made by force?

RAI BAHADUR PANDIT RAM CHAND KAK : We have no information.

LALA SHIV NATH NANDA : Have any telegrams been received about it?

RAI BAHADUR PANDIT RAM CHAND KAK : I do not know. If such telegrams are received, these are sent to the officer concerned and if it is certified that the complaint made is true action is taken on the matter.

LALA SHIV NATH NANDA : If we supply a proof, will an order be issued.

RAI BAHADUR PANDIT RAM CHAND KAK : Yes, if you furnish some proof, proper action will surely be taken.

420. LALA SHIV NATH NANDA : Is it a fact that the Harijans of Jammu inspite of their being State subjects are experiencing difficulties in obtaining State subject certificates especially when the attention of the Government had already been drawn to the fact that these people are residing within the State before the Sambat Year 1942, but could not get the required certificate by reason of their having no immovable property. If the reply be in the affirmative, will the Government please make such an arrangement as to put an end to the difficulties in this behalf.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : 1*st part*.—Government have noticed no particular case of hardship. If any such case is brought to their notice, proper action can be taken in the matter.

2*nd part*.—Does not arise. However, it may be pointed out to the Praja Sabha Sad that it is for the person applying for the certificate that he should satisfy the competent authority if he thinks that he is entitled to the grant of such certificate.

LALA SHIV NATH NANDA : May I know whether any deputation of Harijans waited on the Governor or the Hon'ble Prime Minister in this connection?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : But a deputation alone does not carry it to the extent of proof.

LALA SHIV NATH NANDA : What other proof is there?

421 .LALA SHIV NATH NANDA : Is it a fact that the Govern-

ment had stated in reply to Question Q. D. No. 458 during the last Srinagar Session that only 281 State subject certificates had been cancelled and the names of those persons whose certificates had been cancelled used to be published in the Government Gazette.

If the reply be in the affirmative, will the Government please supply a complete list? If not the reasons therefor may please be stated.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(b) The list asked for is placed on the Table of the Praja Sabha Sad. It shows that 283 State subject certificates were cancelled.

Statement showing the names of persons whose certificates have been cancelled.

Serial No.	Name.	Father's name.	Designation.
1	S. Natha Singh	S. Uttam Singh.	Retired Examiner Local Accounts.
2	M. Mohammed Miraj-ud-Din.	M. Mohammed Ismail.	Retired Settlement Tahsildar.
3	K. S. M. Siraj-ud-Din Ahmed.	,,	.....
4	M. Bashir-ud-Din Ahmed.	K. S. M. Siraj-ud-Din Ahmed.	Lecturer S. P. College, Srinagar.
5	L. Gopi Chand.	L. Bishamber Das.	.....
6	Sh. Abdur Rahim.	Sh. Abdul Aziz.	.....
7	S. Damodar Singh.	S. Prem Singh.	.....
8	Karam Chand.	Sain Das.	.....
9	Bogga Mal.	Sain Das.	.....
10	L. Jagan Nath.	L. Harnam Das.	.....
11	Barkat Ullah.	Haji Habib Ullah.	.....
12	Mr. Mohammed Akram.	K. S. M. Mohammed Din.	.....
13	Syed Kamal Shah.	Syed Gulab Shah.	.....
14	Mr. Amrit Lal Aggerwal.	L. Nand Lal Aggerwal.	.....
15	S. Bishen Singh.	Narain Singh.	.....
16	Brij La	Kirpa Ram.	.....

Serial No.	Name.	Father's name.	Designation.
17	S. Narendar Singh.	S. Natha Singh.	.....
18	Abdul Hamid.	Abdul Majid.	.....
19	S. Mana Singh.	S. Kishen Singh.	
20	B. Barkat Ali.	Hakim Khuda Bakhsh.	
21	B. Lal Chand.	L. Piara Lal.	
22	Sajjad Hussain.	M. Lal Khan.	
23	Nazir Hussain.	M. Lal Khan.	
24	Shiv Saran.	Gurdas Mal.	
25	Wazir Singh.	Dula Singh.	
26	Mr. Abdul Hamid Khan.	K. S. Abdul Hasin Khan.	
27	Mohammed Akram.	Babu Barkat Ali.	
28	Mohammed Anwar.	Babu Barkat Ali.	
29	Mohammed Akhtar.	Babu Barkat Ali.	
30	Abdullah.	Nur Bakhsh.	
31	Miss Ghulam Sugra.	D/o Sad-Ullah Pir.	
32	Jalal-ud-Din.	M. Nasir-ud-Din.	
33	Nasrulla.	Fateh Mohammed.	

Serial No.	Name.	Father's name.	Designation.
34	Hamida Malik.	D/o Zona Begam.	
35	Saida Malik.	,,	
36	Samander.	Wali Mohammed.	
37	Mohammed Akhtar.	Ch. Khuda Bakhsh.	
38	Bashir Ahmed.	,,	
39	Mohammed Ali.	Habib.	
40	Baldev Singh.	Mahbub Singh.	
41	Raja Amir Ullah Khan.	Raja Ghulam Mohammed Khan.	
42	Munirullah Khan.	Raja Amir Ullah Khan.	
43	Lakhmi Chand.	Parmanand.	
44	Must. Barkat Begum.	D/o Syed Ahmed Ali Shah.	
45	Q. Sabah-ud-Din.	Q. Abdus Salam.	
46	Q. Salah-ud-Din.	,,	
47	Khalid Mohammed.	,,	
48	Q. Mohammed Salim.	,,	
49	L. Bhushan Lal.	R. S. L. Shanker Lal.	

Serial No.	Name.	Father's name.	Designation.
50	L. Brijnandan Lal.	R. S. L. Shanker Lal.	
51	S. Sarban Singh.	S. Hukam Singh.	
52	S. Charanji Singh.	,,	
53	B. Isher Singh.	B. Narain Das.	
54	Shrimati Shanti Devi.	D/o Col. R. N. Chopra.	
55	Must. Sharka Devi.	D/o Col. Amar Bahadur.	
56	Amir Khan.	S/o Hayat Khan.	
57	S. Mal Singh.	R. B. S. Ganda Singh.	
58	S. Balwant Singh.	,,	
59	Lal Khan.	Makhan Khan.	Head Master Govt. High School Sopur.
60	Inder Das.	L. Nihal Chand.	
61	Sh. Mohammed Sadiq.	K. B. Sh. Ghulam Sadiq.	
62	Sh. Ahmad Sadiq.	,,	
63	Shah Abdul Majid.	Mirgee Sarver Shah.	
64	Mistri Qamar Din.	Karim Bakhsh.	
65	Feroz Din.	Mistri Qamar Din.	Contractor.
66	S. Surender Singh.	S. Jagat Singh.	
67	S. Narender Singh.	,,	

Serial No.	Name.	Father's name.	Designation.
68	Malik Mohi-ud-Din.	M. Ahmad Ullah.	Tahsildar Uri.
69	P. Sri Ram Taimani.	P. Ganga Prashad.	Retd. W. W. Srinagar.
70	Trebhawan Prakash.	P. Sri Ram.	
71	Mr. T. C. Hoon.	L. Basant Ram.	
72	Malik Srup Singh.	Malik Attar Singh.	
73	Mehar Singh Mistri.	Boor Singh Mistri.	
74	Mr. Saidat Ali Khan.	S. Sultan Mohammed Khan	
75	Mr. Ahmad Hussain Qureshi.	Hakim Assmat Ullah Qureshi.	
76	Nezam-ur-Rahman Khan.	Wali Mohammed Khan.	
77	Mr. Ghyur Mohammed Khan.	Wali Mohammed Khan.	
78	Must. Gulzar Begum.	D/o Abdul Azim Khan.	
79	Must Zenat Begum.	D/o Abdul Azim Khan.	
80	Dr. Sunder Singh.	Nazir Singh.	Sub-Assistant Surgeon.
81	Narendar Singh.	S/o Trilok Singh.	
82	Man Singh.	"	

List showing the names and parentage of persons whose State-Subject Certificates have been cancelled.

Serial No.	Name.	Parentage.	Occupation.
1	Dr. Mohammed Sharif.	Sultan Mahmood.	Sub-Assistant Surgeon Jammu.
2	L. Jagan Nath.	L. Shiv Das Kochhar.	Shop Keeper Mirpur.
3	M. Abdul Qadir.	Rai Nabi Bakhsh.	Retired Overseer Palace Division, Jammu.
4	Manzur Elahi.	Mohammed Mubarik.	Resident of village Bal Gurah, Tehsil Akhnoor.
5	Maulvi Abdul Hamid.	M. Siraj-ud-Din.	Teacher S. R. High School, Jammu.
6	Ram Chand.	Kewal Kishen Khullar.	Retired employee of Irrigation Division, Jammu.
7	Must. Gohar Bibi.	W/o Ali Mohammed, retired Sub-Inspector Police.	Resident of Abtal, Samba Tehsil.
8	Mohammed Khan.	Ali Mohammed retired Sub-Inspector Police.	,,
9	Bakhshi Sawan Mal.	.....	Retired Qanungo.
10	L. Durga Das.	Tej Ram Khatri.	Resident of Jammu.
11	Gujar Mal.	Rallia Ram, Forest Ranger.	,,

Serial No.	Name.	Parentage.	Occupation.
12	M. Ghulam Mohammed-	M. Fateh Din, Assistant Engineer, P. W. D.	Resident of Jammu.
13	Durga Das.	Sawal Mal Vaid.	,,
14	R. S. Dewan Bansi Lal.	Dewan Balaqui Mal.	Pensioner.
15	Vaid Raj R. S.	R. S. Bansi Lal.	.....
16	Sant Ram.	L. Anant Ram.	.....
17	Sardari Lal.	Anant Ram.	.....
18	P. Labhaya Ram.	P. Anant Ram.	Teacher R. S. High School.
19	Des Raj	P. Labhaya Ram.	.....
20	Dev Raj.	,,	.....
21	Hazari Lal.	Kundan Lal Khatri.	Resident of Jammu.
22	Gulzari Mal.	,,	,,
23	Rekhi Kesh.	Hazari Lal.	,,
24	Shiv Parkash.	Shiv Das.	,,
25	Lajpat Rai.	Shiv Dayal.	,,
26	Raghu Nath Das.	Gulzari Mal.	,,
27	M. Qudrat Ullah Sahib.	B. Mohammed Abdullah late Wazir Wazarat.	,,
28	Dr. Inaiat Ullah Sahib.	Dr. Mohammed Abdullah, late Wazir Wazarat.	Assistant Surgeon Jammu.

Serial No.	Name.	Parentage.	Occupation.
29	P. Dev Raj.	P. Jewan Mal.	Resident of Jammu.
30	M. Fazal Beg.	Jiwan Beg.	Resident of village Radwan, Tehsil Samba.
31	Bansi Lal.	Kaka Ram Arora.	Banihal, Tehsil Ramban.
32	Girdhari Lal.	,,	,,
33	Must. Parkash Devi.	,,	,,
34	Sardari Lal.	L. Nobat Rai.	Resident of Jammu.
35	Mangal Ram.	Mathra.	Goldsmith of Deipur, Tehsil Akhnoor.
36	Nanak Chand.	Liddan.	Resident of Hamirpur Siddhar, Tehsil Akhnoor.
37	Must, Hidayat Begum.	D/o Najib Ullah.	Teachress Government Girls Middle School, Mirpur.
38	Amar Nath.	Nehalu.	Resident of Jammu.
39	Must. Savitri Devi.	W/o Mulk Raj Vedehra Pleader Sialkot and daughter of L. Nand Kishore Lal Chopra of Jammu.	Teachress of Government Girls High School, Jammu.
40	Fazal Karim.	Ahmad Din.	Resident of Hamirpur, Tehsil Akhnoor.

Serial No.	Name.	Parentage.	Occupation.
41	L. Bidhi Chand.	Jamiat Rai.	Resident of Jammu.
42	Faqir Chand.	Hari Chand.	,,
43	Abdul Saleem.	Fateh Mohammed.	,,
44	Nur Ahmad.	M. Mehar Din.	,,
45	Must. Wazir Begum.	D/o Noor Ahmed.	,,
46	Must. Nazir Begum.	D/o Fateh Mohammed of Jammu	,,
47	Duni Chand.	Mathra Das Khatri.	,,
48	Must. Govindi.	W/o Duni Chand.	,,
49	Sheikh Qadir Bakhsh.	Fateh Mohammed.	Resident of Srinagar.
50	L. Bhagwan Das.	L. Amir Chand.	Resident of Jammu.
51	L. Amolak Ram.	L. Bhagwan Das.	Pleader of Jammu.
52	L. Chanran Das Nanda.	L. Sohan Lal Nanda.	Assistant Engineer P. W. D.
53	Durga Dutt Sain.	P. Dina Nath.	Resident of Jammu.
54	P. Kanwar Narain Dar.	P. Kishen Narain Dar.	,,
55	Ladha Ram Lakra.	B. Dina Singh.	,,
56	L. Hans Raj Lakra.	L. Ladha Ram Lakra.	,,

Serial No.	Name.	Parentage.	Occupation.
57	L. Hans Raj.	L. Bagh Mal Khatri.	Resident of Jammu.
58	Moti Singh.	L. Hans Raj.	,,
59	Mulkh Raj.	Bhola Ram.	,,
60	Mohd. Basharat.	M. Maula Bakhsh.	Head Clerk Revenue Secretariat.
61	Fazal Ahmad.	B. Illam Din.	Resident of Jammu.
62	Nazir Ahmad.	,,	,,
63	Abdul Ghani.	Hidayat Mohd. of Gank, Tehsil Akhnoor.	Overseer.
64	Abdul Aziz.	,,	Tehsildar.
65	Mst. Jiwindi	W/o Jewan Dass.	Employee in Zanana Hospital Jammu.
66	Thakur Dass Bhandari.	L. Ganesh Das.	Head Master High School, Akhnoor.
67	Pir Bakhsh.	Fateh Din Gujar.	Resident of Jammu.
68	Mst. Bidhya Devi	D/o Hukam Chand Arora.	,,
69	S. Khush Dev Singh.	S/o Sardar Isher Singh.	,,
70	Mul Raj.	Devi Dass	,,
71	Hans Raj.	Shanker Nath.	,,
72	Chiman Lal.	Milkhi Ram.	Government Press employee.

Serial No.	Name.	Parentage.	Occupation.
73	Basakhi Ram.	Jamita Shah.	Resident of Jammu.
74	Raghu Nath.	Faqir Chand Chopra.	,,
75	Mian Qurban Ahmad.	Bashir Ahmad.	Resident of Kathua District.
76	Rashid Ahmad.	Mian Bashir Ahmad.	,,
77	K. S. Nasir-ud-Din Ahmad.	Fateh Din.	Of Jasmergarh.
78	Mian Nazir Ahmad.	,,	,,
79	Ahmad Din.	Feroz-ud-Din.	Jammu.
80	Sheikh Mohd. Arjmand.	Sheikh Danish Mand	Jammu.
81	Nihal Singh.	S. Sulakhan Singh	Jammu.
82	Diwan Chand.	L. Balmukand Khatri.	Compounder State Hospital, Jammu.
83	Hukam-ud-Din.	Ghulam Mohd. Bhatti	Resident of Jammu.
84	L. Balgovind.	L. Isher Dass.	,,
85	L. Isher Das.	Dewan Ganga Ram.	Of Jammu.
86	L. Karam Chand.	S. Hukam Singh Khatri	,,

Serial No.	Name.	Parentage.	Occupation.
87	L. Mir Chand.	L. Balmokund Khatri.	Resident of Jammu.
88	L. Gokal Chand.	L. Ganga Ram Chopra.	,,
89	L. Surindar Nath.	L. Gokal Chand Chopra.	,,
90	Rameshwar Nath	,,	,,
91	Kewal Kishen.	,,	,,
92	L. Prem Nath.	,,	,,
93	Sh. Zabar-ul-Haq.	Sh. Feroz Din.	,,
94	Milkhi Ram.	Lal Singh Datta.	,,
95	Bashi Ram.	L. Jewala Mal Arora.	,,
96	Mst. Gulab Bibi.	D/o Piran Datta Kashmiri.	,,
97	Ahmad Din.	Jan Mohammed.	Resident of Mason.
98	Gurdas Datta.	B. Diwan Chand Datta.	Resident of Jammu.
99	P. Jagan Nath.	P. Anant Ram.	Resident of Kathua.
100	Sita Ram.	Hari Mal.	Resident of Bhimber.
101	Rahim Bakhsh.	Ghulam Mohammed Chadal.	Resident of Kathua.
102	Abdul Gafar.	Rahim Bakhsh.	,,
103	Abdur Rashid.	,,	,,

Serial No.	Name.	Parentage.	Occupation.
104	Mst. Brij Kumari.	D/o L. Isher Das Malhotra	Resident of Jammu.
105	S. Balwant Singh.	S Ghasita Singh.	Resident of Bhimber.
106	Badri Nath.	L. Mukand Lal Contractor.	Resident of Jammu,
107	Des Raj.	Nanak Chand Khatri.	"
108	S. Narain Singh	S. Natha Singh.	Contractor Jammu.
109	S. Bishen Singh.	S. Jamal Singh.	"
110	P. Tej Narain Dhar.	P. Brij Narain Dar	Resident of Jammu.
111	Mst Saida Begun.	D/o Sheikh Hafiz Ullah.	"
112	Hari Singh.	Gopal Singh Arora	Resident of Manawar
113	Rahmat Khan	Mohammed Bakhsh Khan.	Resident of Jammu.
114	Mohammad Ramzan.	Mohammad Amin Aman.	Resident of Jammu
115	Mohammad Din.	Mehar Bakhsh Awan.	"
116	Diwan Harbans Lal.	D. Girdhari Lal Chopra.	"
117	Nasir Ali.	Ghulam Haidar.	"

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Serial No.	Name.	Parentage.	Occupation.
118	Th. Lekhwan Singh.	Thakur Ram Atma	Resident of Khor Tehsil Ranbir Singhpura.
119	Th Udey Bir Singh.	do.	,,
120	Th. Partab Singh	do.	,,
121	Th. Auma Ram	Thakur Ram. Ganda	,,
122	Th. Jaggar Singh.	S. Amar Singh.	Resident of Jammu.
123	Sardar Singh.	Sarjit S. Jagat Singh	Shopkeper Jammu.
124	Dalip Singh.	Isher Singh.	Resident of Jammu.
125	Dil Sukh Datta	Rai Amar Nath Datta.	Heac Draftmad P. W. D.
126	P. Nilambur Jotshi.	Pt. Shanker. Chander	Resident of Jammu.
127	Uma Shanker.	Pt. Jotshi. Nilamber	Resident of Jammu.
128	Mst. Chander Devi.	D/o Mehta Hari Chand. of Sarsola wife of Dr. Billu Lal.	Resident of Bhimber.
129	Jaswant Singh.	Hari Singh Arora.	Teacher of Manawar.
130	Mst. Gur Devi.	D/o Bal Ram W/o L. Nabu Ram.	Of Jammu.

Serial No.	Name.	Parentage.	Occupation.
131	L. Sikanar Lal.	L. Nobat Rai.	Of Jammu.
132	Raizada Narinjan Das.	Raizada Chand.	Rup	Retired Inspector of Schools.
133	Mohammed Yunis	Mohammad Hussain.	Of Basohli.
134	Ali Akbar.	,,	,,
135	Amar Nath.	P. Bishen Das.	Of Kishtwar.
136	Mst. Bago wife of Isher Singh Rajput of Govindgarh Tehsil Samba.	.....	.....
137	Hans Raj of Jammu.	Mul Raj.	Saraf.
138	Balwant Singh, Amar Singh of village of Tehsil Ranbirsinghpura.	Ram Singh	.....
139	Lal Singh of Jammu.	Hira Singh.	.....
140	Govind Sahai of Jammu.	Kirpa Ram.	Service.
141	Beli Ram B/o Govind Sahai.	,,	.....
142	Mohammed Din of Jammu.	Ahmad Bakhsh.	.....
143	Ganesh Das of Jammu.	L. Shiv Das.	.....

Serial No.	Name.	Parentage.	Occupation.
144	Nanak Chand of Jammu.	Nathu.	.....
145	Gopal Saran of Jammu.	Mul Raj Dutt.	.....
146	L. Sunder Das of Jammu.	.....	Service.
147	Faqir Singh of Udhampur.	Prem Singh.	.....
148	Ram Singh of Tehsil Jammu.	Natha Singh.	Service.
149	Thakur Natha Singh, Sub-Inspector of Police, Jammu.	Thakur Sant Singh	,,
150	Durbari Lal of Kishtwar.	Ruldo Ram.	... ..
151	Maulvi Nazir Din.	Maulvi Faqir Ullah	.....
152	Lekh Raj of Jammu.	Bhagwan Das.	.....
153	Hari Dev Khatri of Jammu.	Ram Rattan.	.....
154	Hans Raj.	Hari Ram.	.....
155	Sarab Das Khatri of Tehsil Bhimber.	Barkat Rai.	.....
156	Sheikh Rahim Bakhsh.	Ullah Sheikh.	.....

Serial No.	Name.	Parentage.	Occupation.
157	B. Balak Ram, Sub-Overseer, Jammu.	P. Nathu Ram.	Service.
158	Puran Singh.	Karan Singh.	,,
159	Hashmat Ali.	Imam Din Kashmiri.	.....
160	Ganai Lal.	Dharam Dutt.	.....
161	Chuni Lal.	Sunder Das Goldsmith.	.....
162	Khan Mohammed of Kathua.	Hussain Bakhsh.	.....
163	Labhu Ram of Tehsil Samba.	Biju Ram.	.....
164	Must. Kastu	W/o Chajju Ram oi Samba.	.....
165	Narain Singh.	Hira Singh.	.....
166	Faqir Mohammed of Hiranagar.	Ali Mohammed.	.....
167	S. Snnder Singh.	S. Janda Singh.	.....
168	L. Sunder Das, Contractor	L. Trikta Sahai.	.....
169	Ram Nath.	Punjab Rai.	.....
170	Gujar Mal, Compounder, Kishtwar dispensary.	Maya Mal.	Service.

Serial No.	Name.	Parentage.	Occupation.
171	S. Amrik Singh, Girdawar.	Gulab Singh.	Service.
172	Mst. Sughna Bibi.	W/O Khurshid Ahmad Afgan.	.....
173	Hakim Sarban Nath.	L. Maya Das.	.....
174	Bhagwan Das of Tehsil Bhimber.	Rura Mal.	.....
175	Fazal Karim	Hussain Din.	.....
176	Kishtori Lal of Tehsil Bhimber.	Sukh Dayal.	.....
177	Charan Das of R. S. Pura.	Bidhawa Mal	.....
178	L. Ganga Ram.	Nihal Chand.	Service.
179	Kashmiri Lal	Ganga Ram.	.....
180	Dhan Devi.	D/o Kirpa Ram of village Pargowal Tehsil Akhnoor.	.....
181	Aziz Din of Suchetgarh.	Alia.	.....
182	Buta Sheikh.	Pir Mahai.	.....
183	Mst. Ahmad Bibi	D/o Hasham Din Gujar.	Of Village Sunderpur.
184	Mulkh Raj,	Sardar Chand.	.....
185	Must. Ram Piari.	D/o D. Anant Ram of Jammu.	.....

Serial No.	Name.	Parentage.	Occupation.
186	Daulat Ram.	S. Jewan Singh.	.....
187	Amar Nath.	P. Sunder Lal.	.....
188	L. Uttam Chand, Overseer, Jammu.	L. Lachhman Das.	Service.
189	Sikandar Lal of Udhampur.	B. Ganda Mal.	.....
190	Jagan Nath, Contractor of Akhnoor.	Shanker Das.	.....
191	Raghu Nath Das of Akhnoor.	Jagan Nath.	.....
192	Sardari Lal.	Fateh Chand.	.....
193	Shiklian Ahmad.	Munshi Qayam Din.	.....
194	Suraj Parkash.	Bishember Nath.	.....
195	Iqbal Nath.	,,	.....
196	Mohammed Yusuf	Sheikh Mohd. Alyas.	.....
197	Mohammed Dadu	,,	.....
198	Ram Nath.	Bishember Nath.	...
199	Baru Mal.	Bagh Mal.	.....
200	Kewal Rattan of Tehsil R. S. Pura.	P. Ram Rattan.	.....
201	L. Mathra Dass.	Amar Chand.	.....

422. LALA SHIV NATH NANDA. : Is it a fact that the Government had stated in reply to Q. D. No. 450 that the doors of service are open to Khatris in the same way as they are open for other community and that only the religion of new entrants in service is enquired and it is not necessary for them to get their castes entered.

Is it a fact that every Hindu taken in service is made to write after his name Brahmin if he is a Brahmin, Khatri if he is a Khatri and Rajput if he is a Rajput? If the reply be in the affirmative, will the Government please state the total number of Khatris appointed during the last five years, the nature of posts on which they were appointed and the number of Gazetted appointments held by them?

RIA BAHADUR PANDIT RAM CHAND KAK : Government have nothing to add to the reply given to Q. D. No. 450 on 7th October 1937 in the last session. That reply answers all the questions now asked.

LALA SHIV NATH NANDA : The reply to this question is vague and unworthy of the Government. The reply is that nothing has to be added to the reply to Q. D. No. 450.

RAI BAHADUR PANDIT RAM CHAND KAK : The Government has already given a reply in the last session to Q. D. No. 450. In addition to that reply the Government is not ready to give any other reply. It is quite clear.

LALA SHIV NATH NANDA : Yes, I follow it, but if a Sabha Sad want some information will it not be supplied to him?

RAI BAHADUR PANDIT RAM CHAND KAK : Full information has been given and the question has been replied.

LALA SHIV NATH NANDA : But your reply does not make the matter clear.

RAI BAHADUR PANDIT RAM CHAND KAK : That is a matter of opinion.

423. LALA SHIV NATH NANDA : (*a*) Is it true that in Q. D. No. 457 asked during the last Srinagar session of the Praja Sabha the question of increasing the pay of peons and Jamadars was raised, and

(*b*) the Government had stated that rules of pension in respect to such services are the same as are in force in British India?

(*c*) If the reply be in the affirmative, will the Government please state if British Indian Rules are also applied to other Government servants?

(*d*) Will the Government according to promise consider this matter?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) The question referred to related to pensions of peons and Jamadars.

(*b*) Yes.

(*c*) British Indian Rules are not followed in all cases.

(*d*) The question relating to the rate of pension admissible to

menials is under consideration.

LALA SHIV NATH NANDA : Thank you.

424. LALA SHIV NATH NANDA : Is it a fact that a provision has been made for the survey of minerals in the State? If the reply be in the affirmative, what result has been achieved by this survey and has any scheme been prepared for working out the mines in future. If so the same may kindly be placed before the House.

RAI BAHADUR PANDIT RAM CHAND KAK : Yes the Mining and Mineral Survey Department attends to the survey of mineral resources of the State.

No scheme for working any mines has been prepared but efforts are being made to interest private enterprise to take up the commercial development of certain minerals.

425. LALA SHIV NATH NANDA : Is it a fact that the Unemployment Commission had submitted their complete report at the time of the last session of the Praja Sabha? If the reply be in the affirmative, it may please be stated as to what action has been taken to give practical shape to their recommendation?

RAI BAHADUR PANDIT RAM CHAND KAK : Yes. Attention is invited to the reply to Serial No. 33 given on 16th March 1938.

LALA SHIV NATH NANDA : Will that reply be read out?

RAI BAHADUR PANDIT RAM CHAND KAK : I am sorry I have not got a copy of that reply.

LALA SHIV NATH NANDA : It is neither with me nor with you. Let the Secretary read it then.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : If you want to see it, you may do so afterwards.

PANDIT LOK NATH SHARMA : Will the Government consider the advisability of issuing a press note as to what action the Government have taken on the report of the Unemployment Commission and what orders have been passed in order to solve the problem of Unemployment and to ameliorate the condition of the unemployed.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : As soon as the Government has passed orders on each recommendation of the Unemployment Commission, a press note will be issued.

426. LALA SHIV NAT NANDA : Is it a fact that in the Co-operative Department the system of training class and departmental examinations has been introduced for the permanent incumbents of the Department. If so it may please be intimated if the Registrar has introduced this system with the sanction of the Government? If not it may please be stated as to who is responsible for this?

RAI BAHADUR PANDIT RAM CHAND KAK : The question of the training class is under the consideration of the Revenue Minister. Till he has examined the whole matter, he is not in a position to give a reply.

LALA SHIV NATH NANDA : What does *waqai* mean?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : To study.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : As the matter is very complicated it will take two or three weeks to examine it. When the matter came up before me I said that I would take up this matter after the Praja Sabha session. And the question was put up before me, I had not sufficient time at my disposal.

LALA SHIV NATH NANDA : May I come to you and get information about it. I have got the proof with me. These examinations are conducted without Government sanction.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : You can send me your proof in writing and speak to me about it. I will consider it.

427. SARDAR HARI SINGH : In reply to my question Q. D. No. 141/34 of the last Srinagar Session, it was stated by the Hon'ble Revenue Minister that the rules relating to the Mulberry are under print. Will the Government please state as to whether these rules, after printing, have been distributed in the Mufassil? If not when will they be distributed?

RAI BAHADUR PANDIT RAM CHAND KAK : The printing of the Rules was subsequently suspended because necessity was felt of consolidating the same into a self-contained set prior to their being printed. As soon, however as the process of co-ordination of the rules has been completed, we shall be in a position to get them printed and distributed.

428. SARDAR HARI SINGH : Will the Government please state as what is the strength of permanent establishment in the Ranbir Government Press Jammu and what is the number of the Hindus, Sikhs and Muslims separately and what is the amount of pay drawn by each community?

KHAWAJA GHULAM AHMED ASHAI :

1.	Communities.	Hindus.	Muslims.	Sikh.	Total Strength.
2.	Number ...	134	27	1	162
3.	Pay drawn p. m	Rs. 3,381 p. m.	Rs. 741 p. m.	Rs. 125 p. m.	Rs. 4,247 p. m.

VOICES : Ha, ha, ha.

SARDAR DHIAN SINGH : (To Hon'ble Prime Minister) These figures deserve your consideration.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI

AYYANGER : That will be remembered.

429. SARDAR HARI SINGH : Will the Government please state the number together with the pays of Hindus, Muslims, and Sikhs who have been appointed during the last five years in the Ranbir Government Press?

If the representation of the Sikhs among them is low are Government prepared to make good their deficiency? If not why?

KHAWAJA GHULAM AHMED ASHAI : The information required in the 1st portion of this question is placed on the table of the Praja Sabha Sad, as to the last portion of the question, the answer is that no suitably trained Sikh was available to fill up the technical posts in the Press. The Superintendent Press has already been instructed to absorb the Sikh boy, who is a trained compositor, in the Press, on the occurrence of a suitable vacancy.

Statement with regard to 1st portion :—

Hindus.	Pay.	Muslims.	Pay.
	Rs.		Rs.
1 Clerk ..	31	1 Printer ...	90
1 Mono-type Key-boarder.	75	1 Compositor ...	30
2 Compositors ...	20 each.	2 Compositors ..	20 each.
2 Distributors ..	15 ,,	1 Distributor ...	15
1 Paid Probationer...	12	2 Paid Probationers.	12 each.
1 Machine Foreman.	30	1 Katib ...	20
1 Lino Operator ...	75	2 Sangsazes ...	15 each.
1 Khalasi ...	14	4 Khalasis ...	14 ,,
		1 Book-binder ...	20
10	272	15	236

SARDAR HARI SINGH : Was no illiterate Sikh available for even a post of a 'Khalasi' or 'Chaprasi' during these five years. It was stated last year that no Sikh is available.

KHAWAJA GHULAM MOHAMMED SADIQ : That was a question about technical posts.

SARDAR HARI SINGH : Is no Chaprasi or Khalasi available amongst Sikhs?

PANDIT RAM NATH SHARMA : They don't want to do this work.

PANDIT AMAR NATH KAK : They consider it derogatory.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : You have drawn attention to the paucity of Sikhs. The Hon'ble Prime Minister said that he would consider it and keep it in view.

SARDAR HARI SINGH : He said that if there is a vacancy, he will keep this fact in view, but a post has been lying vacant for the last six months and we saw the Hon'ble Prime Minister as also the Director in this connection. We wish that this technical post should go to the Sikh who is at present working in the Press and is trained as well.

KHAWAJA GHULAM AHMED ASAI : Instructions have already been issued to the Press that a trained Sikh should be appointed to the post.

SARDAR HARI SINGH : My submission is that a trained Sikh is already there. Why is he not appointed to this post?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : He says instructions have been issued to the Press.

430. SARDAR HARI SINGH : It was stated by the Government during the Sixth Session of the Praja Sabha held at Jammu on 6th April 1937, in reply to the question No. 106 that deficiency in Sikh element among the Gazetted posts and the senior teachers of Education Department would be made good and consequently a Sikh Graduate was deputed for training in Physical Instructions but the State subject certificate has been cancelled. Will the Government please state as to who has been deputed in his stead and on what grounds have the applications of Sikh graduates been ignored?

PANDIT RAM NATH SHARMA : In the year 1936 M. Akram Khan and Sardar Narinder Singh were deputed for training in the Physical Training College Madras for the posts of Physical Instructors of the State Colleges. In the meanwhile their hereditary State subject certificates were cancelled, and on their return they were not appointed. Subsequently two other graduates were sent for training in the year 1937.

No Sikh graduate applied for the training. The one who applied was still waiting for the result of his degree examination.

SARDAR HARI SINGH : Why was the application of that Sikh ignored in spite of his having passed the examination? What is the reason?

PANDIT RAM NATH SHARMA : I am sorry, the gentleman had not stated in his application that he had passed the examination.

SARDAR HARI SINGH : If it is proved that he stated in his application that he was a graduate, will it be considered then?

NOTE.—No reply was given.

431. YABGO IFTIKHAR ALI KHAN : Is it a fact that the number of the students in the Lower Middle school Chanlu has increased? Are Government prepared to raise this school to an Upper Middle school?

PANDIT RAM NATH SHARMA : There is a Lower Middle school at Khaplu and not at Chanlu. The question of raising the status of Lower Middle school Khaplu will be placed before the Education Standing Committee.

PANDIT AMAR NATH KAK : The question is about Charlu.

PANDIT RAM NATH SHARMA : That is no place.

432. YABGO IFTIKHAR ALI KHAN : There is no Telegraph office at Chanlu inspite of the fact that the population of this town is about 5,000. Will Government establish a Telegraph office at Chanlu?

PANDIT RAM NATH SHARMA : The Wazir Ladakh reports that there is no village of this name in Leh District.

433. YABGO IFTIKHAR ALI KHAN : In reply to one of my questions regarding the starting of a Zenana Hospital at Skardu it was stated that the matter will be considered at the time of opening new dispensaries. Will it be stated whether any new dispensaries have so far been opened?

PANDIT RAM NATH SHARMA : No.

434. YABGO IFITKHAR ALI KHAN : In reply to one of my questions regarding the construction of a bridge over Fongnaq it was stated that the estimates have been prepared. But no bridge has so far been constructed. What are the reasons therefor?

PANDIT RAM NATH SHARMA : There is no question regarding Fongnaq bridge. It appears that this is the same as Phonak bridge for which an estimate amounting to Rs. 24,084 has been sanctioned for custody. The work will be carried out when funds are aliotted.

435. YABGO IFTIKHAR ALI KHAN : The road of Illaqa Kerin (Koru) has become unfit on account of flood and it has not so far been repaired with the result that the people have to pass through the top of the hill and travel an additional distance of three or four miles. Will Government please repair the road for the convenience of the people?

PANDIT RAM NATH SHARMA : An enquiry is being made and the information will be supplied in the next session.

436. YABGO IFTIKHAR ALI KHAN : Will the Hon'ble Revenue Minister please state : (*a*) as to how many Watchers in Tehsil Skardu are local and how many are outsiders?

(*b*) Is it not an injustice to local people to appoint outsiders even on such ordinary posts?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) One local ; eight others.

(*b*) The question of employing more local men as opportunity

offers is already under consideration.

437. MOULVI MOHAMMED ABDULLAH : (*a*) (*i*) Is it a fact that the Government appointed Glancy Commission as a result of the Muslim agitation, and this Commission prepared a report which is known as the Glancy Report?

(*ii*) Was it not admitted in this report that the Muslims of the State were backward and their political significance in Government services was almost nil?

(*b*) Was this report accepted by His Highness and to act upon it is incumbent on the Government?

(*c*) Does this report provide for direct appointments so that Muslims should not suffer on account of seniority?

(*d*) Have some special concessions been granted to Muslims, in view of their being backward in education?

(*e*) If reply to part (*a*), (*b*), (*c*) and (*d*) be in the affirmative, then it may be stated why the present Ministry have contravened its provisions?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) (*i*) The Glancy Commission was appointed to enquire into the alleged grievances of the people of the State and to make recommendations for their redress, in case in which they were found to be genuine.

(*ii*) The report said "that in the matter of State employment Muslims were inadequately represented".

(*b*) The attention of the member is drawn to the orders passed on the recommendations made in the Report.

(*c*) The member's attention is drawn to the para relating to direct appointments on pages 23 and 24 of the Report.

(*d*) Yes.

(*e*) There has been no contravention by the present Government of the orders passed by His Highness on the Glancy Commission Report.

438. MOULVI MOHAMMED ABDULLAH : (*a*) Will the Government please state the standard fixed for retirement in service, and whether this standard is strictly followed?

(*b*) Is the idea of age limit for retirement that a person on his reaching a particular age is considered unfit for service?

(*c*) Are retired persons re-employed in the State? If so, why then are they retired?

(*d*) Have Government ever accepted this view that they are retiring a particular individual because he has reached a certain age, while in fact he may be quite fit for that service?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) and (*b*) The member's attention is invited to Article 226 of the Kashmir Service Regulation.

(*c*) Sometimes : when the requirements of administration make such employments advisable.

(*d*) This is a hypothetical question and cannot be answered.

439. MOULVI MOHAMMED ABDULLAH : (*a*) Will Government please state whether educated young men are sent out for foreign training according to the State requirement or without it? and

(*b*) whether any agreement is obtained from them for the expenses incurred on them?

(*c*) Are those persons given posts, for which they are sent out for training?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) At present the scholarships are generally granted with due regard to the requirements of the Government Departments.

(*b*) Yes.

(c) The stipendiaries are so far as possible provided in Government service after the completion of their training.

440. MOULVI MOHAMMED ABDULLAH : Is it a fact that transfers of Government officials are made on administrative grounds also?

(*b*) Are Government aware that Tehsildar Hindwara and Naib-Tehsildar Hindwara were transferred from Kashmir Province to Jammu on administrative grounds, and the former was posted at Reasi and the latter at Jasmergarh.

(*c*) Is it also true that both these Government officials took charge of their respective posts in the Jammu Province?

(*d*) Will it be mentioned as to when they took charge of their posts and the duration for which they continued their charge, uptil now?

(*e*) Was the Tehsildar transferred during this short period to Kashmir Province and posted at Kulgam, and the Naib-Tehsildar on the other hand was not transferred?

(*f*) If reply to the above be in the affirmative, then reasons for these may be explained?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) Pandit Balbadar Kaul took over charge of the office of Tehsildar, Reasi, on 29th Bhadoon 1990 and proceeded on leave from 21st Assuj 1994 on account of ill-health. M. Rashid-ud-Din, Naib-Tehsildar, joined Niabat office Jasmergarh on 2nd Maghar 1994 and is posted there since then.

(*e*) Yes.

(*f*) It was on the recommendation of the Chief Medical Officer, Srinagar, that Pandit Balbader Kaul's transfer from Reasi after his continued illness for about three months was ordered.

441. MOULVI MOHAMMED ABDULLAH : (*a*) Are Government aware that a General Meeting of the Muslim Conference was held

in Jammu in January 1938, and many resolutions were passed in it?

(*b*) Do Government admit this fact that Muslim Conference alone is the representative body of the State Muslims, and its voice is the voice of all the Muslims of the State?

(*c*) Do Government consult this body when some political problem crop up?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Yes.

(*b*) Government are not aware that what is alleged here is a fact ; they are however in a position to state that the claim made here on behalf of the Conference, has been vigorously attacked by considerable bodies of Muslims in different parts of the State.

(*c*) The present Government have not so far felt the need for consulting this body, though they have given the same consideration to reasonable representations from it over matters of public importance as it has given to similar representations from other organisations.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : To-day's business is over. Now there will be ballot for non-official resolutions. Then of the hon'ble members who have given notice of these resolutions will please wait and take part in the ballot.

The House adjourned to Monday the 28th March 1937.

THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)

VOLUME VIII

8TH DAY

(28th March 1938)

OFFICIAL BUSINESS
EIGHTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



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1938.

Jammu and Kashmir Praja Sabha

President :

THE HON'BLE MR. JUSTICE K. L. KICHLU,
RAI BAHADUR.

Secretary:

PANDIT HIRANAND RAINA, B. SC., LL. B.

Assistant Secretary:

MR. MOHD. NASIR-UD-DIN KHAN, B. A., LL. B.

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JAMMU AND KASHMIR PRAJA SABHA.

MARCH-APRIL JAMMU SESSION 1938.

Monday, the *28th March 1938.*
15th Chet 1994.

The Praja Sabha met in the Praja Sabha Chambers (Ajaibghar) Jammu at Eleven of the Clock.

Mr. President (The Hon'ble Mr. Justice K. L. Kichlu) in the Chair.

QUESTIONS AND ANSWERS.

442. SARDAR MAL SINGH : Will Hon'ble Revenue Minister please state why the zamindars of Rakh Buran, Tehsil Baramulla have not been granted *Shamilat* land although all the zamindars of the valley have been granted *Shamilat* land ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister) : The matter has been pending settlement because of the dispute with the Remounts Department over the possession of certain *Khalsa* land lying within the boundary of the village. Steps are being taken to get it expedited any how.

SARDAR MAL SINGH: By what time will it be done ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : It has been stated that it will be expedited.

443. SARDAR MAL SINGH : (*a*) Is it a fact that in 1931 the attendance clerks of the Sericulture Department who work also as cashiers had applied for revision of pay to the Director of Sericulture Department?

(*b*) If the answer be in the affirmative, will the Hon'ble Revenue Minister please state reasons why no decision has been arrived at so far ?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister): (*a*) No.

(*b*) Does not arise.

444. SARDAR MAL SINGH : Is it a fact that country wine is sold in draughts at the drinking houses while it is sold in sealed bottles in the Punjab ?

Will Hon'ble Home Minister issue orders for the sale of country liquor in sealed bottles so that the license-holders may not adulterate it ?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister) : (*a*) If the Praja Sabha Sad intends to convey that liquor is sold by pegs then the answer is in the affirmative.

(*b*) The Customs Department will be asked to look into the matter.

445 SARDAR MAL SINGH: In reply to Q. D. No. 247 it was stated by the Hon'ble Law Minister that the figures will be obtained and the reply will be furnished in the next session? The reply to the same may please be supplied?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Law Minister) : (*a*) 178 persons were challaned under the Regulation.

(*b*) 55 were awarded punishment.

(*c*) 65 were acquitted.

(*d*) 63 was the total No of cases reported after the promulgation of the Regulation.

446 LALA RAM LAL: Is it a fact that in the previous sessions of the Praja Sabha, it was stated in reply to one of the questions on behalf of the Poonch Administration, that the Poonch Administration need not consider the question of deputing anyone for legal training to England because the Administration does not require a man with that qualifications?

(*b*) If the reply to part (*a*) be in the affirmative, it may please be stated whether the Poonch Administration has now accorded sanction to a proposal regarding the deputation of some person to England for legal training and have also granted him a scholarship?

(*c*) If the reply to part (*b*) be in the affirmative, it may be stated why the Poonch Administration has now felt the necessity of deputing a man for legal training to England on a stipend? The reasons may be given in detail and it may also be stated when action was taken on this proposal?

WAZIR FEROZ CHAND (Wazir of Poonch) : (*a*) Yes.

(*b*) Yes.

(*c*) The Praja Sabha Sad Sahib is referred to reply to Q. D. No. 532 of Sardar Dhian Singh of this session. The scholarship in question was sanctioned on the 11th September 1937.

LALA RAM LAL: Sir, I have not got that reply?

NOTE.—Wazir Feroz Chand read out reply to Q. D. No. 532.

LALA RAM LAL: Was he sent to England after the agitation relating to the Holy Quran?

WAZIR FEROZ CHAND: Probably.

447. LALA RAM LAL: (*a*) Will Government please state what is the number of employees in the Police and the Schools of Poonch? How many of them are Muslims and how many Hindus? The details of each Department may be given separately?

(*b*) If the reply to part (*a*) be that the number of Muslims is more than that of Hindus, it may be stated whether the Poonch administration is prepared to remove this disparity or not? If

so, how? If not, the reasons why they are not prepared to do so may be stated in detail.

WAZIR FEROZ CHAND: The following table gives the required information :—

Name of Department.	*Number of Employees.*	
	Muslims.	Non-Muslims.
Police	183	88
Schools	135	75

(*b*) This point is kept in view while sanctioning new appointments.

In view of the above the last part of the question does not arise.

LALA RAM LAL: Was the proportion of the Hindus taken into consideration at the time of recruitment in 1993?

WAZIR FEROZ CHAND: Yes, that is always taken into consideration.

448. LALA RAM LAL: (*a*) Will Government please state how many Police officials are posted in the Police Station Bagh, Palandri, Dharamsal, Mendhar, Hajira, Sodhan and Thudad? How many of them are Muslims and how many Hindus? The number in each of the said stations may be stated separately?

(*b*) If the reply to part (*a*) be that the Muslims out-number the Hindus, it may please be stated whether the Poonch Administration is prepared to keep an equal number of Hindus and Muslims in the above-stated Police Stations in accordance with the orders of His Highness that officials of a particular community should not be in majority at any station?

WAZIR FEROZ CHAND: (*a*) The following will show the number of Police officials posted at the Police Stations mentioned in the question:—

Name of Police Station.	No. of officials.	Hindus.	Sikhs.	Muslims.
Bagh ...	15	2	1	12
Palandri ..	15	4	...	11
Dharamsal ...	15	7	...	8
Hajeera ...	10	1	1	8
Suran ..	6	1	...	5
Thorar ...	5	.....	.....	5

(*b*) It is not possible to do what has been suggested in the question. However efforts will be made to see that there may be no preponderance of any community in any place.

449. LALA RAM LAL: (*a*) Is it a fact that Patwaris are given pensions in the State but not in Poonch?

(*b*) If the reply to part (*a*) be in the affirmative, is the Poonch Administration prepared to grant pensions to the Patwaris in future? If not, the reasons may be stated in detail?

WAZIR FEROZ CHAND: (*a*) Yes.

(*b*) The Praja Sabha Sad Sahib is referred to reply to Q. D. No. 458 of this session.

LALA RAM LAL: By what time? Will it be done in a month's time?

WAZIR FEROZ CHAYD: Probably, in a month's time.

450. LALA RAM LAL: (*a*) How many Warders are there in the Poonch Jail? How many of them are Hindus and how many Muslims?

(*b*) If the reply to part (*a*) be that the number of Muslims exceeds that of Hindus, the reasons for the excess may then be stated? It may also be stated whether the Poonch Administration is prepared to effect an improvement in this direction or not? If not, the reasons for that may also be stated?

WAZIR FEROZ CHAND: (*a*) There are 24 Warders in the Poonch Jail. Their strength according to communal basis is as under:—

Hindus.	Sikhs.	Muslims.
1	2	21

(*b*) These are old employees. The question will be considered in filling up new vacancies.

LALA RAM LAL: Was he taken in service after the recommendations of the Glancy Commission?

WAZIR FEROZ CHAND: He was taken before the recommendations of the Glancy Commission.

451. LALA RAM LAL: Will Government please state as to how many times did fire break out this year in the village Rihada, Tehsil Sudhnuti? How many buffaloes were burnt within the houses? What was the estimate of total damage? The number of accused that were challaned, may also be stated? If nobody was challaned, the reasons tberefor may please be stated?

WAZIR FEROZ CHAND: Three times. Eight cattle (She buffaloes 2, Oxen 4 and Cows 2) were burnt within a house. Estimated cost of damage comes to about Rs. 800. One case was reported "not admitted" and one untraced. The third fire was reported to be an accidental one.

In view of the above the last two parts of the question do not arise.

452. LALA RAM LAL: (*a*) Is it a fact that the late Sir Barjor Dalal had issued a circular about Section 256 of the

Criminal Procedure Code, but one of the Poonch Magistrates while holding this circular as not in accordance with law refused to act upon it ? Did Sir Barjor Dalal withdraw the said circular ?

(*b*) If the reply to part (*a*) be in the affirmative, it may please be stated why this repealed circular is still being followed in Poonch, especially when it was first questioned in Poonch ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The question being vague no definite reply can be given. If the hon'ble member furnishes particulars an inquiry will be made.

LALA RAM LAL : The question is quite clear. The late Sir Barjor issued a circular relating to Section 206 Criminal Procedure Code, but afterwards he cancelled it ; then why is this circular being put into practice in Poonch ?

WAZIR FEROZ CHAND : You should quote an instance.

LALA RAM LAL : Hon'ble President, the question is quite clear and a reply should be given.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. (Law and Revenue Minister) : We have tried to find out this circular but we have not been able to trace it out. We shall make further enquiries.

453. LALA RAM LAL : Will Government please state: — (*a*) What is the total population of Harijans in Poonch ? How many of them are in superior service and how many in inferior service ? Is a Harijan who has passed F. A. Examination employed on Rs. 15 in the Education Department while a Muslim with the same qualifications gets Rs. 36 ?

(*b*) If the reply to part (*a*) be that no Harijan is in superior service, the reasons therefor may please be stated ? It may, at the same time be stated whether the number of Harijans in inferior service is sufficient in view of their population ? If so, how ? If not, are the Kashmir Government prepared to make up this deficiency ? If it is not prepared to do so, why ?

WAZIR FEROZ CHAND : (*a*) *1st part.*—The Harijans were not shown as a separate class in the last census.

2nd part.—As in giving employment no distinction was ever made as between Harijans and other Hindus, an enquiry will be made and the information asked for will be supplied later on.

3rd part.—Reply can be given if full particulars of the person concerned are given.

(*b*) *1st 3 parts.*—Do not arise in view of replies to parts 1st and 2nd of (*a*) above.

4th part.—The Illaqa is prepared to pay a proper consideration for the representation in service of Harijans who are said to be not properly represented there.

454. PEER HISAM-UD-DIN SHAH : (*a*) Do Government know that in these days of unemployment the agricultural and industrial works are proving more useful ?

(*b*) If reply to part (*a*) be in the affirmative, are the Poonch Administration prepared to take early steps to improve the Agricultural Department, establish the Industrial Department and open factories in the Illaqa ?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) The present financial resources of the Illaqa are very limited and therefore it cannot undertake the works suggested in the question. If however any private person starts any industry in the Illaqa, the Administration will give him every reasonable facility.

455. PEER HISAM-UD-DIN SHAH : (*a*) Are the Poonch Administration aware that His Highness the Maharaja Bahadur's Government have taken up an excellent scheme by opening a sheep farm in the Industrial Department of the State ?

(*b*) If reply to part (*a*) be in the affirmative, are Poonch Administration prepared to adopt such measures especially when there is a vast area for sheep-breeding in Poonch ?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) It is not possible to take up such measures in the Illaqa under present circumstances.

456. PEER HISAM-UD-DIN SHAH : Is it a fact that, in reply to my question asked in the last session of the Praja Sabha enquiring as to how much land out of a total area of 17,591 kanals of land in the Rakhs thrown up for *Nautor* by the zamindars has so far been granted to them for this purpose, it was stated in Q. D. No. 423 that uptill then, 176 kanals of land were granted to the zamindars for *Nautor* and that the zamindars do not seem to be desirous of acquiring land for the purposes of cultivation because they do not want to pay the price of the trees standing on the land? If the answer to the above be in the affirmative, it may please be stated as to what are the present rates and what were the prices of these trees in such *Nautors* at the time when such Rakhs were released by Shri Raja Sahib Bahadur Poonch for the purpose of *Nautor* ?

WAZIR FEROZ CHAND : The tables attached herewith, will show the present as well as the old rates of trees standing on *Nautor* areas.

Present rate of trees standing on Nautor areas.

Girth of trees.	*Conifers.* Deodar.	Biar.	Chir.	Tung and Ror.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Below 1½ feet	1 8 0	0 10 0	0 8 0	0 4 0
1½ feet and over but less than 3 feet ..	6 0 0	2 8 0	2 0 0	1 0 0
3 ,, ,, ,, ,, 4½ ,, ..	12 0 0	6 0 0	4 0 0	2 0 0
4½ ,, ,, ,, ,, 6 ,, ..	24 0 0	10 0 0	8 0 0	4 0 0
6 ,, ,, ,, ,, 7½ ,, ..	72 0 0	30 0 0	24 0 0	12 0
7½ ,, ,, ,, ,, 9 ,, ..	96 0 0	40 0 0	32 0 0	16 0 0
9 ,, ,, ,, ,, 10½ ,, ..	120 0 0	50 0 0	40 0 0	20 0 0
10½ ,, ,, ,, ,, 12 ,, ..	148 0 0	60 0 0	46 0 0	23 0 0
12 ,, ,, ,, ,, 13½ ,, ..	170 0 0	70 0 0	51 0 0	25 0 0
13½ ,, ,, ,, ,, 15 ,, ..	192 0 0	80 0 0	56 0 0	28 0 0
15 and over	210 0 0	85 0 0	60 0 0	30 0 0

Broad-leaved trees.—

(1) *Special class trees.*—Akhrot, Tun, Sum and Chikri ; rate for these trees is 1½ times the price of Deodar.

(2) *I class trees.*—Shisham, Bankhori, Sunian, Drawa, Barmi, Am, Kahu : Below 5 feet in girth Rs. 6 per tree, 5 feet and above upto 7½ feet in girth Rs. 7/8/- per tree and above 7½ feet in girth Rs. 10 per tree.

(3) *II class.*—Rin, Brachhar, Barmi, Batrin, Kikar, Phalai, Khrik, Kangar or Kakrui, Sarol, Bhoj Pattar, Manu, Kain, Tut, Kerun, Bhera, Simbal, Jaman, Sarin Arkhar, Kheml, Druni, Bherth, Kenth, Batta, Pipal, Bar, Bagnun, Billan, Moha Dratha, Kam, Amli, Dhaman, Karangal, Hiru, Tarkna and Kher :—Below 5 feet in girth Rs. 2/8/- per tree and 5 feet and over Rs. 5 per tree.

(4) *III class.*—All other kind of trees : –Re. 1 per tree.

Rate of the trees standing on Nautor areas at the time when Shikargahs were opened for cultivation.

Name of trees.	Rate per foot girth.			Name of trees.	Rate per foot girth.		
	Rs.	A	P.		Rs.	A	P.
Deodar ...	6	0	0	Butrin ...	0	8	0
Bhoj Pattar ...	4	0	0	Khrik ...	0	4	0
Chikri ...	6	0	0	Darawa ..	1	0	0
Chinar ...	6	0	0	Kangar ...	0	3	0
Akhrot ...	6	0	0	Manu ...	1	0	0
Shisham ...	4	0	0	Kain ...	1	0	0
Tun ...	6	0	0	Bunkhori ...	1	2	0
Sum ...	6	0	0	Sarol ...	1	0	0
Fir (Tung) ...	1	2	0	Kher ...	0	12	0
Rer ...	1	2	0	Kahu ...	0	8	0
Biar ...	2	0	0	Phulai ...	0	8	0
Chir ...	1	8	0	Safeda ...	0	4	0
Barmi ...	1	0	0	Kalakuth ...	0	4	0
Reen ...	0	8	0	Batank ...	0	4	0
Barachhar ...	0	8	0	Tarkana ...	0	4	0
Barian ...	0	8	0	Other species ...	0	4	0

457. PEER HISAM-UD-DIN SHAH : (*a*) Is it a fact that, during the last session of the Praja Sabha in reply to my Q. D. No. 428 regarding opening of an Intermediate College in Poonch, it was stated that at present there is no need of opening such a college in Poonch ?

(*b*) Will it be stated why the Government do not deem necessary to open such a college in Poonch ?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) Poonch is a small Town having a population of a little over 8 thousand For such a small Town there is no need of an Intermediate College especially when it is remembered that in much larger Towns of the State there are no Colleges. Again the establishment of a College is a very expensive affair which the Illaqa finances cannot undertake.

PEER HISAM-UD-DIN SHAH : Is not the population of Poonch equal to three lakhs and seventy-five thousand ?

WAZIR FEROZ CHAND : Yes.

SARDAR DHIAN SINGH : When the population is so large, why is an Intermediate College not established there ? How will the poor people benefit by education ?

WAZIR FEROZ CHAND : Why, Jammu and Kashmir are quite near.

SARDAR DHIAN SINGH : When the population of Poonch is 3,75,000 and when land-revenue is also being realized, why should a college not be opened at Poonch where the poor students may receive education ?

WAZIR FEROZ CHAND : Scholarships are awarded for receiving education.

458. PEER HISAM-UD-DIN SHAH : Is it a fact that, during the last session of the Praja Sabha it was enquired that as marking of boundaries in Tehsil Haveli and Tehsil Mendhar has been finished and marking of boundaries in Tehsil Sadhnoti and Bagh has been postponed, will the areas which have been excluded from the demarcated forests in Tehsil Haveli and Mendhar be declared as *Shamilat Deh* and in reply to my Q. D. No. 436 it was stated that this matter can receive consideration only on the completion of demarcation work of the whole of Illaqa ?

(*b*) It may please be stated why the areas which have been excluded from the demarcated forests in Tehsil Haveli and Mendhar have not been declared *Shamilat Deh* when the work of demarcation in Tehsil Sadhnoti and Bagh has been stopped and the demarcation officers who were lent from His Highness' Government for this work only have been sent back ?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) The matter is already under consideration.

459. PEER HISAM-UD-DIN SHAH : (*a*) Is it a fact that, during the last session of Praja Sabha in reply to my Q D. No. 438 regarding increase in the number of primary schools in Poonch, it was stated that the financial condition of Poonch Illaqa does not permit of increase in the number of schools and as soon as the finances permit, the question of opening the schools will receive sympathetic consideration ?

(*b*) It may please be stated, if at present the administration are prepared to open at least two more primary schools in each Tehsil every year for the present ?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) No. It is not possible to open new schools to the extent suggested in the question The question of opening new schools will receive sympathetic consideration if the financial condition allows it.

460. PEER HISAM-UD-DIN SHAH : (*a*) Is it a fact that, in reply to Q. D. No. 416 of the last session relating to the setting up of water-taps in the Poonch city, it was stated that there were a large number of springs and wells from which sufficient water was available and therefore the people dit not experience any difficulty for want of water-taps ?

(*b*) Is it not a fact that with the exception of one spring at Ghagnaban situate near the Poonch Wazarat the water of the rest

of the springs remains stagnant and is injurious to health with the result that the Poonch city is a home of diseases ? Have not the inhabitants of Poonch been submitting applications for setting up water-taps from the time when Dr. Bihari Lal was the Chief Medical Officer there ?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) It is not a fact that the water of all springs excepting Khakha Naban is stagnant and detrimental to health. Poonch is not a home of epidemics, as has been supposed in the question. Yes, so far as the last portion of the question goes.

LALA RAM LAL : When out of a population of four lakhs, two lakhs of people are ill, should it not be called the home of disease ?

WAZIR FEROZ CHAND : They suffer from malarial fever and not on account of water. Malaria is caused by the mosquitoes

461. SARDAR DHIAN SINGH : (*a*) Is it a fact that some Missionaries wish to open a Mission High School in Palandari ?

(*b*) Is it a fact that two High Schools cannot be successful in a place like Palandari ?

(*c*) Is it also a fact that His Highness the Maharaja Bahadur has been pleased to order that the Middle School at Rawalkot be raised to the high standard ?

WAZIR FEROZ CHAND : (*a*) No.

(*b*) Yes.

(*c*) I am not aware of any such order of His Highness the Maharaja Bahadur.

Of course Sri Raja Sahib Bahadur has ordered that the Middle School be raised to high standard by transferring the High School of Palandri to this place.

462. SARDAR DHIAN SINGH : (*a*) Is it a fact that Raja Sahib in course of a tour hearing the requests of his subjects was pleased to order that the road from Rawalkot to Bagh should be made fit for motor traffic ?

(*b*) Is it a fact that in reply to a supplementary question No. B. Q. 74 the Wazir of Poonch had promised that ten thousand rupees will be provided in the budget for the construction of roads and in spending this sum the road in Tehsil Bagh would receive preference ?

If (*a*) and (*b*) are correct, will the Poonch Administration according to its promise construct a motor road from Bagh and thus remove the great inconvenience of the public ?

WAZIR FEROZ CHAND : (*a*) Yes.

(*b*) Yes.

(*c*) The orders have already been issued to the Public Works Department Poonch for doing the needful.

463. SARDAR DHIAN SINGH : Is it a fact that in reply to Q. D. No. 609 asked in the Jammu session in order to protect

Gurdwara at Nigali Sahib bunds would be constructed on the Nullah Darangali and that this would receive consideration at the time of the framing of the budget ?

If it is a fact, will the Poonch Administration kindly state why funds have not been provided in the budget and when bunds would be constructed ?

WAZIR FEROZ CHAND : Yes, it was stated that the question would be considered.

Due to financial stringency and providing of sums for other works of public utility of more important nature the amount could not be provided in the current year's budget.

The matter will be considered when funds become available.

SARDAR DHIAN SINGH : Is it not included in the important works ?

WAZIR FEROZ CHAND : This is also an important one ?

SARDAR DHIAN SINGH : Will provision for it be made next year ?

WAZIR FEROZ CHAND : It will be taken into consideration.

464 SARDAR DHIAN SINGH : Is it a fact that in reply to Q. D. No. 635 in the Jammu session it was stated that the question of sending anyone to England for further study in law would not be considered because Government did not stand in need of men of any such qualifications ?

If the reply to this be in the affirmative, will the Poonch Administration kindly state, why inspite of this reply this just demand of Sikhs was ignored and only six months after a non-Sikh State-subject was sent to England for law.

WAZIR FEROZ CHAND : Yes.

(*b*) It was at the insistent demand of the agriculturist Mohammedans that a Sudhan graduate was granted a stipend for prosecuting studies in Law in England. The granting of the above stipend had nothing to do with the Sikhs or their demand.

SARDAR DHIAN SINGH : When it was stated in reply to a question asked in the last Jammu session that there was no necessity of deputing any person to England for training in law may I ask what necessity has now been felt ?

WAZIR FEROZ CHAND : A necessity has been felt now.

SARDAR DHIAN SINGH : Why has a Sikh not been sent ? Has any Sikh been deputed for training so far ?

WAZIR FEROZ CHAND : Dr. Ram Singh was sent for training

SARDAR DHIAN SINGH : He is not a Sikh.

SARDAR HARI SINGH : Sir, it should be decided now, whether Dr. Ram Singh is or is not a Sikh.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : This question cannot be decided at this time.

465. SARDAR DHIAN SINGH : Is it a fact that in reply to Q. D. No. 612, the Chief Educational Officer had promised to consider the raising of Hajira school to the Middle standard ? Will the Poonch Administration kindly state whether the matter has been moved and when it can be hoped that the special class will be opened in Hajira school ?

WAZIR FEROZ CHAND : Yes, so far as the first part of the question goes.

Due to financial stringency the special class has not so far been opened in the Hajira school. The matter will be considered at the time of the next year's budget

SARDAR DHIAN SINGH : When the people of the Illaqa are raising a hue and cry why is a special class not started there.

WAZIR FEROZ CHAND : This question will be taken into consideration.

466. SARDAR DHIAN SINGH : Will the Poonch Administration kindly state, whether the Inspector of Schools inspected the Pathshalas at Bantri and Bagh and submitted report as promised in reply to Q. D. No. 686 in the Srinagar session ? If he has submitted report what action has been taken on that report and when the question of sanctioning the grant-in-aid will be decided ? If a report has not been made, will the Administration kindly call for the report and settle the question of grant-in-aid because the poor zamindars cannot bear for long the burden of running these Pathshalas ?

WAZIR FEROZ CHAND : The Chief Educational Officer, Poonch, has recently himself inspected the Pathshala at village Bhantini He reports that the Pathshala is not now in existence there. The teacher incharge of the Pathshala is reported to have left since the month of Bhadon 1992, on account of his not receiving his dues. Under these circumstances the question of grant-in-aid does not arise.

As to Pathshala at Bagh, the Chief Educational Officer's report is yet awaited. He has been reminded to expedite. On receipt of his report, the matter will be considered.

SARDAR DHIAN SINGH : When it has been admitted that the teacher left the school because his salary was not paid to him, why did the Government not make arrangements before-hand.

WAZIR FEROZ CHHND : No application has been received in this behalf.

SARDAR DHIAN SINGH : Will it kindly be stated what expenditure was incurred on it ?

WAZIR FEROZ CHAND : I do not know. It is a new question.

SARDAR DHIAN SINGH : Have you given your sanction ?

WAZIR FEROZ CHAND : Instructions in this behalf have been issued to the department.

SARDAR DHIAN Singh : If it is a fact that it has not been repaired, will you arrange to repair it ?

WAZIR FEROZ CHAND : Yes, we shall get it repaired.

467. SARDAR DHIAN SINGH : (*a*) Is it a fact that owing to excessive rain the road leading from Illaqa Chetvada post etc to Bagh Tehsil Headquarter is spoiled and has become a source of trouble to human beings and animals ?

(*b*) Is it also a fact that for the repairs of the road the zamindars have put in an application ?

If this be a fact, will the Poonch Administration kindly state, what action has been taken on this application and will the Government for the convenience of zamindars repair this road soon ?

WAZIR FEROZ CHAND : (*a*) Yes, some time back.

(*b*) Yes, so far as the first part of the question goes.

This road has already been repaired last year.

468. SARDAR DHIAN SINGH : Is it a fact that the school in Illaqa Chetvada Tehsil Bagh was removed from that place because there was no building for the school there ?

is it a fact that the zamindars have constructed a building for the school at considerable cost and the school could be accommodated therein ?

If the reply to above be in the affirmative, will the Poonch Administration open a school in the Chetvada village very soon ? If not, why ?

WAZIR FEROZ CHAND : Yes.

The Administration has no knowledge of any such construction of the school building by the zamindars.

The matter will be considered.

SARDAR DHIAN SINGH : If you find that the school building has been constructed there, will you consider the question of opening a school there ?

469. SARDAR KANHAYA SINGH : Is it a fact that in Chikar village Danna of Muzaffarabad, some Sikh ladies and their children were forcibly converted to Islam ? In this connection it may kindly be stated if any report reached the Police, or if any case was filed in a Court of Muzaffarabad ?

If the reply be in the affirmative, what action have the Government taken with regard to this incident ? Have the accused been challaned in a Court ?

It may also kindly be made clear what steps the Government has taken to suppress it, so that the minority in this Illaqa may live peacefully ?

PANDIT RAM NATH SHARMA : (*a*) No such report was lodged with the Police.

(*b*) Yes. A complaint was filed in the Court of the Sub-Divisional Magistrate, Muzaffarabad, who issued a warrant to the Police to produce the ladies and children in question. They were duly produced and the magistrate after recording their statements allowed them to go. They are now under the patronage of Gurdwara Nalochi.

No accused have been challaned by the Police, because cognizance in the case was taken by the Court The matter is being dealt with by the Court concerned at Muzaffarabad.

No other such cases have been reported and there appears no reason for the Government to take any action in the matter.

470. SARDAR KANHAYA SINGH : Is it fact a that in Nilochi Gurdwara in Muzaffarabad District, the Gurdwara Committee has for long been running a boarding house for the convenience of Sikh and Hindu students ? If the reply be in the affirmative, are the Government prepared to make a grant-in-aid under rules, so that rural students may derive benefit from education ?

PANDIT RAM NATH SHARMA : Reply to the first part of the question is in the affirmative. No grant-in-aid is given under rules to a boarding house which is not attached to an aided institution.

471. SARDAR KANHAYA SINGH : Is it a fact the Sikhs of village Bhalka Tehsil Muzaffarabad have for long been applying for the opening of a Primary Girl school in their village, which consists of more than five hundred people ? If the reply be in the affirmative, will the Minister-in-charge Education Department kindly issue orders for opening of a school in the village in the coming year, so that the backward people of this place may acquire education particularly when they are keen about the education of their girls ?

PANDIT RAM NATH SHARMA : The female population of Bhalka is only 100 according to the census figures. This means that nearly 15 girls of school-going age are available in that village. No application has been received so far in the Home Office from the Sikhs of village Bhalka. The question of opening a girls school in the village will, however, be placed before the Education Standing Committee.

472. SARDAR KANHAYA SINGH : Are the Government aware that thousand of pilgrims flock annually to Gurdwara at Nilochi in Muzaffarabad District where there is a deficiency of drinking water ? If the reply be in the affirmative, will the Minister concerned kindly state if a survey was made by the Public Works Department for the supply of water to hat area ? If the reply be in the negative, it may kindly be

stated when this noble task of making water available in this sacred place will be ordered to be taken in hand ?

KHAN BAHADUR RAJA MOHAMMED KHAN : From the report of the Wazir Wazarat Muzaffarabad it appears that the Public Works Department has already taken up the question and is arranging recording of water that may be regularly available before preparing necessary estimates.

473. SARDAR KANHAYA SINGH : Are Government aware that at Saran Chathan there are very great possibilities of drawing the water of the river through a canal for irrigating the Illaqa between Garhi and Parao Garhi and zamindars are prepared to pay the *Abiana* for the same ? If the reply be in the affirmative, are the Government prepared to make a survey and have an estimate of the cost of this canal prepared ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : *1st part.* - There is no such possibility.

2nd part.—Does not arise.

SARDAR KANHAYA SINGH : Was any such proposal under the consideration of the Government before ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : We are not aware of it.

SARDAR KANHAYA SINGH : If you are aware, then..... (Laughter)

474. SARDAR KANHAYA SINGH : Will Government please state whether a canal can be dug out from Nallah situated on the other side of the river in Chikothi, Tehsil Uri ? If the reply be in the affirmative, will the survey of this canal be taken into consideration by the Government so that the people may succeed in bringing the canal in the Illaqa with the help of the Government ?

PANDIT RAM NATH SHARMA : The Divisional Engineer's report has been called for in the matter.

SARDAR KANHAYA SINGH : When can we expect to receive it ?

PANDIT RAM NATH SHARMA : It is difficult to say.

475. SARDAR KANHAYA SINGH : Is it a fact that in the year 1930 six students were expelled from Sri Pratap College, Srinagar, and were exiled from the State ? Was their case tried in any court of law, or was action taken only on some police or other reports ?

PANDIT RAM NATH SHARMA : 5 non-State-subject students were expelled and deported from the State because they were actively engaged in sedition activities. Their case was not tried by any court of law but the orders relating to their expulsion were passed by the Cabinet after inquiry.

SARDAR KANHAYA SINGH : Now that the situation has improved, will the restrictions on those students be removed ?

PANDIT RAM NATH SHARMA : We have not received any application from them in this behalf.

SARDAR KANHAYA SINGH : If an application is received, what action will be taken on that ?

PANDIT RAM NATH SHARMA : We will see to it when the application is received.

476. SARDAR KANHAYA SINGH : Are Government aware that the Hindu and Sikh inhabitants of village Tarbomian in Tehsil Karnah have applied to the Education Department for the opening of a Primary school ? If the reply be in the affirmative, will the Hon'ble Minister for Education open a Primary school in this backward area ?

PANDIT RAM NATH SHARMA : The Census list shows that there is no village Tarbomian in Karnah Tehsil. There is, however, a village "Tarboni" in this Tehsil and a Primary school already exists there.

SARDAR KANHAYA SINGH : Did not my question relate to girl school ? Did it relate only to Primary school ?

PANDIT RAM NATH SHARMA : You may read your question. It does not refer to a girl school.

SARDAR KANHAYA SINGH : Sir, my question has been printed and it is clear that mention of the girl school, has been made.

PANDIT RAM NATH SHARMA : This too is printed.

SARDAR MAL SINGH : There seems to be a mistake in the translation.

SARDAR KANHAYA SINGH : Sir, what reply has been given thereto ?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : (Addressing Pt. Ram Nath Sharma) You should read out the reply again.

NOTE.—The reply was read out.

SARDAR KANHAYA SINGH : Sir, my question referred to girls school.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Anyhow, there is some mistake.

477. LALA SHIV NATH NANDA : Is it a fact that it is being demanded in Hindu circles that Hindi should be taught in schools to Hindu boys? If the reply be in the affirmative, will the Government issue instructions to the Education Department to make arrangements for the compulsory teaching of Hindi to the Hindu students ?

PANDIT RAM NATH SHARMA: Reply to the first part of the question may be taken as in the affirmative. Increased facilities are however being provided for teaching Hindi in addition to Urdu in the schools where there is a demand for it

LALA RAM LAL: What is meant by saying "when a necessity is felt"?

PANDIT RAM NATH SHARMA: When a sufficient number of students are prepared to join the school.

478. LALA SHIV NATH NANDA: (*a*) Is it a fact that there exists a clause in the State Aid to Industries Regulation No. 9 of 1992 under which no aid can be granted by the State to persons belonging to class 2nd and 3rd of the State-subjects in case they intend to start some factory?

(*b*) Is it also a fact that hereditary State-subjects are still shy in investing their capital for starting factories in order to provide means of livelihood for the poor and the un-employed?

RAI BAHADUR PANDIT RAM CHAND KAK: (*a*) Yes.

(*b*) To some extent they are.

LALA SHIV NATH NANDA: It seems that part of my question has been deleted, because my question is not complete, therefore the reply also is incomplete.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Only that part of the question can be replied which has been admitted?

LALA SHIV NATH NANDA: I think there is some mistake in it. It has not been correctly printed.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): It is printed correctly.

LALA SHIV NATH NANDA: Is the Hon'ble Prime Minister prepared to make any amendment in this definition?

RAI BAHADUR PANDIT RAM CHAND KAK: No.

479. LALA SHIV NATH NANDA: (*a*) Is it a fact that Srinagar Municipal Committee through a special resolution had drawn the attention of the Government that the games of skill which had been allowed in the Exhibition grounds be stopped as they are nothing short of gambling?

(*b*) Will the Government please direct the Secretary Exhibition Committee to prohibit such games in the Exhibition this year?

RAI BAHADUR PANDIT RAM CHAND KAK: (*a*) and (*b*) Yes. The Secretary Exhibition Committee on receipt of resolution from the Municipality took immediate steps to remove the stall, which bordered on gambling. The Exhibition Committee further resolved to stop all games, which have a semblance to gambling

LALA SHIV NATH NANDA: Sir, this question too has met the same fate as the previous one met. Only half of this question has been printed and when the question is incomplete the reply has to be so.

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MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): You can put a supplementary question relating to the reply which has been given to you.

LALA SHIV NATH NANDA: But some part of my question has been deleted.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): You cannot raise any objection to that; but you can ask a supplementary question relating to the reply given

LALA SHIV NATH NANDA: Will it be stated whether the Government receive a large sum of money from the gambling stalls at the Exhibition?

RAI BAHADUR PANDIT RAM CHAND KAK: We are not aware of it.

LALA SHIV NATH NANDA: Did you not receive any complaints regarding gambling, and is not this games skill equal to gambling?

RAI BAHADUR PANDIT RAM CHAND KAK: It is not games skill but game of skill.

LALA SHIV NATH NANDA: All right. If I prove that it is not the game of skill then will you be prepared to take any action in this behalf?

RAI BAHADUR PANDIT RAM CHAND KAK: You should enquire about this from the Secretary Exhibition Committee; he will surely take some action.

480. LALA SHIV NATH NANDA: Will the Government please state the total amount incurred in connection with the daily and travelling allowance of the members of the Forest Enquiry Commission appointed during the last Jammu session so that it may be ascertained what good has the Commission done to the public and what more may be expected therefrom in future?

RAI BAHADUR PANDIT RAM CHAND KAK: Rs. 3,822-8-3 have been spent on the Forest Enquiry Commission so far.

PANDIT LOK NATH SHARMA: Does he intend to go to Switzerland? (Laughter)

481. LALA SHIV NATH NANDA: Has the Government framed rules to give practical shape to such recommendations of the Unemployment Commission as can be acted upon immediately?

RAI BAHADUR PANDIT RAM CHAND KAK: The Praja Sabha Sad's attention is invited to the reply given to Q. D. No. 103.

LALA SHIV NATH NANDA: Our memory is not so good that we may be able to remember the replies given in the last session.

RAI BAHADUR PANDIT RAM CHAND KAK: I can send you a copy of the reply.

LALA SHIV NATH NANDA: But the House should also be informed about it.

RAI BAHADUR PANDIT RAM CHAND KAK : The House is aware of it. There is no necessity of informing the House.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Anyhow, if you want to have the reply, you can get it from the office.

LALA SHIV NATH NANDA : When we ask questions in the House, why should we get replies from the office.

NOTE.—The hon'ble member being absent, replies to questions 482 to 489 were not read out.

490. KOTWAL LAKHMI RAM : Are Government aware that the springs and roads of Bhadarwah have been spoiled by the flood of the year 1985 and have not so far been repaired ? Will Government get them repaired ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Yes. The condition of springs is not satisfactory. The Town Area Committee is now attending to the repairs of these springs.

Repairs to the Road Cess and Public Works Department Roads are executed annually as far as funds permit.

491. KOTWAL LAKHMI RAM : Will Government make arrangement for supplying drinking water to the inhabitants of Bhadarwah town by setting up water taps there ?

PANDIT RAM NATH SHARMA : This is rural sanitation and pertains to the Sanitation Cess Board which deals with the water supply questions in rural areas. The Public Works Department can prepare necessary estimates and execute work if and when funds are provided by the Board.

492. KOTWAL LAKHMI RAM : Are Government aware that most of the area reserved for grazing purposes in Bhadarwah town has been unlawfully brought under cultivation whereby the cattle are experiencing great hardships for want of grazing areas ? Will it be stated why no ejectment has been affected inspite of the fact that there are orders of the Revenue officers to this effect ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : *1st part.*—Yes.

2nd part. The persons who were in unlawful possession have already been ejected.

493. KOTWAL LAKHMI RAM : (*a*) Are Government aware that the agricultural villages like Udarana, Gatha, Kotli and Rendha, Tehsil Bhadarwah have been deprived of the concession of *Shamilat* granted under the Rajtilak Proclamation ?

(*b*) Are Government aware that the proposal of bringing the entire *Shamilat* area of the above mentioned villages under the Nazool Department is under the consideration of the Government ?

(*c*) Will Government please issue orders for restoring all the *Shamilat* areas ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) The fact is that these villages have been included in the limits of Bhadarwah Town Area under Section 3 (1) (*a*), Town Area Regulation No. 4 of 1990.

(*b*) Yes, as a matter of course.

(*c*) In face of (*a*) and (*b*) above, it does not arise.

494. KOTWAL LAKHMI RAM : Are the Government aware that the villages Udarana, Gatha, Kotli and Rendha, Tehsil Bhadarwah, have, in contravention of the Town Area Rules, been included in the Town Area limits ?

(*b*) Will Government please exclude these villages, which are situate at a distance of two to three miles from the town and are purely agricultural ones and the total revenue of which comes upto Rs. 6,000 from the Town Area limits ? If not, why ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Villages Udarana, Gatha, Kotli and Renda of Bhadarwah Tehsil have been included in the Bhadarwah Town Area limits under Section 3 (*a*) of the Town Area Regulation No. 4 of 1990.

(*b*) Orders have already been issued to Provincial Governors to submit proposals after examining the constitution of Town Areas within their respective Provinces, with a view to retain or exclude agricultural villages from Town Area limits

495. KOTWAL LAKHMI RAM : Will the Government please state whether in view of the large number of persons suffering from Typhoid and small-pox the present grant for the purchase of medicines for Bhadarwah is inadequate ? Will Government increase the grant for the purchase of medicines for the Bhadarwah Dispensary as was the case when this town was included in the Private Domains ?

PANDIT RAM NATH SHARMA : The grants allotted to various dispensaries fluctuate within the total sanctioned grant according to requirements of each dispensary. Besides, there is a special grant for fighting epidemics and therefore the question of increase does not arise.

496. KOTWAL LAKHMI RAM : Are Government aware that Bhadarwah Tehsil is a hilly Illaqa and deserves special sympathy in the matter of providing medical aid and this need of the people can be fulfilled by appointing an Ayurvedic Physician there ? Will Government in view of the fact that an Ayurvedic Physician can be far more useful there, issue orders for making suitable arrangements in this behalf ?

PANDIT RAM NATH SHARMA : The question of locating a subsidised Doctor at some suitable place in the Tehsil of Bhadarwah as suggested by the Public Health Standing Committee is already under consideration.

497. KOTWAL LAKHMI RAM : Are Government aware that the number of public water-taps as against the private taps is very small in spite of there being more than sufficient water available for drinking purposes in Kishtwar proper and that arrangement for increasing the number of public water-taps is necessary ?

(*b*) Are Government also aware that there are five water-taps near the Dak Bungalow at Kishtwar proper while one tap is quite sufficient to meet the requirements there ?

PANDIT RAM NATH SHARMA : The matter will be looked into and more public taps will be provided as soon as funds permit.

498. KOTWAL LAKHMI RAM: Is it a fact that no water-tap has been set up in village Matta-Kishtwar, which has a population of 600 zamindars, while a water-tap has been provided in the Divisional Forest Officer's quarters situated two miles below this village? Will Government make arrangements for setting up water-taps in village Matta also? If not, why ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: *Part first.*— Yes.

Part second.— Yes.

Part third.—The Public Works Department which manage and control such water-taps will be asked to do the needful.

NOTE.—Kh. Ali Mohammed stood up for Haji Ahmedullah Shahdad when the replies to questions 499 to 500 where read out and replies to questions from 500 to 501 were read out to Malik Ghulam Hussain who stood up for Mian Ahmed Yar.

499. KHAWAJA ALI MOHAMMED: (*a*) Will the Hon'ble Home Minister please state the number and pays of the linemen in the Kashmir Electrical Department ?

(*b*) Are all of them placed on the permanent list or they are on the work-charge ?

(*c*) Has the Department made any arrangement for providing either medical aid for the linemen if any of them receives injuries by falling from a pole or by electric current or from grant of compensation to his survivors in case any of them dies?

If the reply to part (*c*) be in the negative, are Government prepared to make the posts of the linemen permanent? If not, why not?

PANDIT RAM NATH SHARMA : (*a*) The number of linemen is 46 ; Pay Rs 15-½-20.

(*b*) Work-charge.

(c) Medical aid is rendered through State Hospitals. Relief is granted in deserving cases.

The question does not arise.

500. KHAWAJA ALI MOHAMMED : Is it a fact that in the Telephone Department the posts of the linemen are permanent?

If the reply to the above be in the affirmative, will the Government be pleased to state as to why the posts of linemen in the Electrical Department are not made permanent inspite of the fact that their work involves greater risk than the linemen in the Telephone Department as they are either disabled for life or die by falling from the poles or by the electric current.

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) The question of bringing the linemen of the Electrical Department on the regular list is already under consideration

501. MIAN AHMED YA : Will the Government please state on which of the dates memorials and representations were submitted by the Muslim representatives or the Director of the Muslim Conference or on behalf of the Muslim Conference to the Government from October, 1931 upto this day and what demands these contained? It may also please be stated as to what action has been taken by the Government in respect of each demand contained therein ?

RAI BAHADUR PANDIT RAM CHAND KAK : Government regret their inability to undertake the investigation necessary for furnishing an answer to this question, as the time and labour that it will entail will be out of all proportion to the result.

502. MIAN AHMED YAR : (*a*) Will the Government please state if explanations were called for from the Zaildar members of the Praja Sabha for voting against the Government?

(*b*) If the reply to (*a*) be in the affirmative, will the Government please state if such members are nominated or elected ?

(*c*) What right the Government has got to demand such an explanation if these members are elected ?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) and (*c*) The attention of the member is drawn to the answer to Serial No. 11 given on 16th March 1938.

(*b*) Elected.

503. MIAN AHMED YAR : Will the Government please state whether assessment of land-revenue here was also made on the principle of assessment followed in the British Indian Districts ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The Praja Sabha Sad is referred in this connection to reply to Q. D. No. 177 given in the Jammu session of the Praja Sabha last year (1937). The word *Khalsa* was introduced long before the advent of British rule in India.

Q. D.No. 177. - MIAN AHMED YAR : (*a*) Will Government please state the reasons as to why the land-revenue which is to be levied

proportionately to the produce is assessed at a higher rate here than the adjoining districts of British India *viz.* Sialkot, Jhelum, Rawalpindi, and Hazara and why should this rate be not reduced to that which is assessed in the above districts of the Punjab ?

Reply.—MR. K. N. KNOX (The Hon'ble Revenue Minister) : (*a*) The pitch of assessment of land-revenue was examined and discussed in the Glancy Commission Report. Sialkot was assessed in 1899 A. D and Mirpur was assessed in 1930. None could expect the rates assumed to be the same in both cases. Government are not prepared to accept the statement that the rates assumed generally in the Jammu Province are higher than the rates assumed in the four Punjab districts named. No regular Settlements are being conducted at present, and the question of reducing the percentage if net assets to be taken does not arise and would only arise if a resettlement were undertaken.

504. MIAN AHMED YAR : Will the Government please state:—
(*a*) Whether on the analogy of any province or district of British India or the Punjab the grazing fee has been levied in the State ?

(*b*) Are the Government prepared to abolish forthwith this fee in the villages and towns where there is not sufficient area for grazing and no *Bahaks* are included after making enquiries in this behalf ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) A tax similar to grazing fee in the State and known as Tirni is levied in certain parts of the Punjab and also of the U. P. owing to physical characteristics and local conditions in the State being peculiar and different from those of the British Indian tracts, where similar tax is charged there can be no exact analogy in details but the basic principle is the same *viz.* grazing tax is levied in consideration of grazing facilities available.

(*b*) The system of village-wise assessment was introduced in the State in the interests both of the Government and the graziers. This is found suitable to the local conditions and is working well.

(*c*) An enquiry has already been instituted from local Revenue officers, on receipt of whose report, suitable orders will be passed in respect of arrears where grazing facilities are found to be defficient or lacking.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : To-day we will resume the discussion on the Select Committee report on Civil Procedure Amendment Regulation which was taken up on the 16th March 1938.

PANDIT AMAR NATH KAK : The motion for taking the bill into consideration has not been moved ; so the motion will have to be moved first and then my amendments will be taken up.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Motion has been moved.

PANDIT AMAR NATH KAK : But not carried.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The Hon'ble Law Minister will move that the Select Committee report on this Regulation be taken into consideration. Is anybody going to oppose the motion ?

NOTE.—Nobody opposed.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. (Law Minister) : I place the Select Committee report on the Civil Procedure (Amendment) Regulation bill before the House and move that it be taken into consideration.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Since none has opposed the motion, permission to take the report into consideration is granted. The amendments moved by Pandit Amar Nath Kak will be taken into consideration now

PANDIT AMAR NATH KAK : Sir, with your permission, I move my first amendment that is "In Section 1 (*iii*) first line substitute the word "When" occurring after the word "force" and before the word "after" by the words "one year".

The intention of this amendment is that just as the Government have enforced the Limitation Regulation in an amended and codified form and it is provided that it will come into force one year after the sanction of His Highness the Maharaja Bahadur and its publication in the Government Gazette, similarly an amendment to this section has been moved with the same object that this Regulation, too, will come into force one year after it receives the assent and is published in the Gazette. Since a number of important amendments have been made in this Regulation, therefore, the people should be informed of the changes affected in it so that they may, in future, regulate their actions according to the new law, and they may get an opportunity to decide whether in the changed circumstances they should continue their transactions or not. All the transactions that have been carried under the old law and enforcement of the amended law without affording any opportunity will be harmful to both the parties and at the same time they will file, within this year, all the suits relating to the transactions carried under the old Regulation. With this principle in view, I have moved this amendment to the effect that there should be some provision in the new Regulation for settling those old transactions and it is with this idea that these important amendments have been moved under the head satisfaction of the decretal amount. Perhaps you know that it is

a common belief now-a-days that many facilities with regard to the payment of debt have already been granted to the majority of the population of this State, namely the agriculturists. Their lands are already exempt from attachment and now there are only two methods left to the decree-holder for the realization of the debt, the first is by putting the judgment-debtor into prison and the second consists in the sale of his movable property. There are already many things which have been declared to be exempt from attachment and now by introducing this amended bill it is proposed to exempt from attachment the pays of the Government employees and the income of other people. Just as there has been a change in this case, similarly a change has been effected in the law in the matter of imprisonment also. At first the Code of Civil Procedure laid the burden of proof for establishing ones honesty upon the debtor who had to prove to the satisfaction of the court that he was unable to pay up the debt and the default was not due to dishonesty on his part. But now the burden of proof has been shifted to the decree-holder and he is required to prove that the debtor is dishonest. Anyhow I shall advance my arguments at the time when each amendment comes up for discussion. At present I want to say that so far as the enforcement of this Regulation is concerned a period of one year should be given in order to acquaint the people with the present conditions whether they should file suits in future or not and whether there can be, after the decree is passed, any hope of the realization of the decretal money. Moreover, in this period, they will be able to come to a settlement in respect of their old decrees and they will, at the same time, know under what conditions fresh transactions should be made. Therefore a period of one year between the date of its passing and the date of enforcement is required for giving a thoughtful consideration to these amendments that is to say just as a provision has been made in the Limitation Regulation, similarly in this Regulation also some provision should be made

PANDIT GOVIND RAM KABU : I support Mr. Kak's amendment.

LALA HANS RAJ : I too support it.

LALA RAM LAL : I also support it.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. (Law Minister): Pandit Amar Nath Kak has not proved in his speech that these amendments would change the position under the law, and his contention that the bill should be enforced one year after it is passed, is based on some misunderstanding According to the law, in force at present, the burden of proof does not lie on the debtor and Order 2, Rule 40 of the C. P. C. will show that the burden does not lie on the debtor. I would

read out a part of this section and you would find that no such responsibility lies on the debtor:—

"Where a judgment-debtor appears before the court in obedience to a notice issued under Rule 37 or is brought before the court after being arrested in execution of a decree for the payment of money and it appears to the court that the judgment-debtor is unable from poverty or other sufficient cause to pay the amount of the decree, or if that amount is payable by instalments, the amount of any instalment thereof, the court may, upon such terms, (if any) as it thinks fit, make an order disallowing the application for his arrest and detention or directing his release as the case may be" According to the law in force at present the court is empowered, if it is satisfied that the debtor is unable to pay up the debt and his pecuniary circumstances do not allow him to pay it by instalments to direct his release from the prison. The contention of my friend that the burden of proof lies on the debtor, as is contained in clause 2 of the section is not correct. The same Regulation which is being discussed in the House is in force in British India and there the judgment-debtors enjoy more concession and freedom. If they are unable to pay up their debts, they cannot be put into prison. Of course if he does not pay up the debt out of dishonesty he can be arrested. Under these conditions the period of one year demanded by our friend cannot be agreed to because being procedural law it will govern procedure in each case and will not affect the rights of a particular individual. Under these circumstances the postponement of this law would go against the principle and therefore it has to be opposed. The position would of course have been different if it affected the rights of ownership or property or created any confusion in the matter of substantial rights and law. It has only absolved the debtor from responsibility and this restriction has been in force for the last few years. The present law is more favourable for the decree-holder than the judgment-debtor. Under these circumstances I oppose this amendment.

PANDIT AMAR NATH KAK: Hon'ble President. Neither do I want to say anything more on this, nor do I want to enter into the controversy as to whether it is substantial law, adjective law or procedural law. But I want to say that just as the enforcement of the Limitation Regulation which is an adjective law and not a substantive law was postponed for one year, similarly in the present case also the same practice should be followed. Both of these are procedural laws and therefore one and the same principle and practice should be followed in both of these laws. The contention of the Hon'ble Law Minister that this law is favour-

able to the decree-holders is not tenable. I would say that the decree-holders feel and know it full well that they have been hard it by this Regulation. As regards Order No. 21, Rule 40, it has been stated that it is useful for the decree-holders. I would submit that if that is the case, then this Regulation should be allowed to remain as it is and they do not stand in need of any such concession which is being granted to them by means of law.

The fact is, and I hope that all of you will agree with me, that under Order No 21, Rule No. 40 if the decree-holder can prove that the judgment-debtor has acted dishonestly he has a right to invite the attention of the court to this fact ; but now in the present Regulation this provision has been amended. The original words are :—Before making an order under sub-rule (1) the court may take into consideration any allegation of the decree-holder touching any of the following matters namely :—

(*a*) .....

(*b*) The transfer, concealment or removal by the judgment-debtor of any part of his property after the date of the institution of the suit in which the decree was passed, or the commission by him after that day of any other act of bad faith in relation to his property, with the object or effect of obstructing or delaying the decree-holder in the execution of the decree." This sentence has been deleted in the new Regulation. Had this sentence been provided in the new Regulation, I may not have moved this amendment. In short, the decree-holders have been deprived of the facility which they enjoyed before and this is very hard for them. When the Limitation Regulation which is procedural law, has been postponed for one year, then there is no reason why this too should not be postponed.

MR PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The amendment moved by Pandit Amar Nath is as under :—In section (*iii*) substitute the word 'when' occurring after the word 'force' and before the word 'after' by the words 'one year.' Those who support this amendment may raise their hands.

NOTE.—Hands were raised.

Those who are against it may raise their hands.

NOTE.—Hands were raised.

The amendment is lost by a majority of votes.

Now Pandit Amar Nath Kak will move his second amendment.

PANDIT AMAR NATH KAK : The second amendment that I want to move in this House relates to Section 51.

PANDIT LOK NATH SHARMA : I think it would be better if the hon'ble member moves (*b*) and (*c*) together.

PANDIT AMAR NATH KAK : Sir, my amendment is as under:—
In the 4th line insert the words "already instituted or to be instituted in future" after the word "proceedings" and before the words "in which", and (*c*) the same line insert the words "or arrest" after the word "attachment."

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : These amendments may please be taken up separately.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. (Law Minister) : You will please take amendment (*b*) first.

MR. AMAR NATH KAK: Originally this sub-section stood as follows:—"It shall come into force when after receiving the assent of His Highness the Maharaja Bahadur, it is published in the Government Gazette except the amendments made by Section (4) which shall have no effect in respect of any proceedings in which attachments have already been ordered prior to the date on which this Regulation comes into force". I want to insert the words "Already instituted or to be instituted in future" after the words "proceedings" and before the words "in which". The intention is that this Regulation shall not apply to those proceedings which have been instituted before the enforcement of this Regulation or those decrees have been passed before this Regulation is enforced. Besides this Regulation shall not apply to proceedings relating to old decrees, in case those proceedings are revived. The intention, as has been stated by the Hon'ble Law Minister is that this being procedural and not substantive law, shall not apply to any suit already instituted or decrees passed This procedure shall apply to those cases automatically irrespective of the effect it will produce on the rights of the decree-holders It has been argued by the Hon'ble Law Minister that this Regulation does not affect the rights of any person. That can be true only when it does not apply to rights acquired by the people through decrees passed before the enforcement of this Regulation, irrespective of the fact whether those proceedings relate to rights, or are pending or not. But in any case this Regulation should not apply to them.

I want to submit that when the new Limitation Regulation was enforced in 1978, we had to face a great difficulty owing to the fact whether the new Regulation should be followed for the execution of the old decrees or not and the Government passed a new section (*i e* Section 9) in connection with the execution of decrees. They added a new section (*a*) probably in Assuj 1982 which provided that all the old decrees shall be regarded as passed in Assuj 1982 and that the new Regulation shall not be applicable to them since 1978 that is a period of four years was allowed, and those decrees which, at

that time, were within ten years period were considered to be within time. Therefore my submission is that this Regulation should not be applied to such rights as have already been acquired by means of decrees.

PANDIT GOVIND RAM KABU: I support him.

LALA HANS RAJ: I would submit that the Government should never consider it their duty to issue any order in respect of any agreement after it has been passed by the Law Courts. The courts establish rights and the Government protect those rights and if the Government want to overlook those rights, it is far from justice. If any honest Government want to treat their subjects impartially they must uphold the rights established by the Law Courts. Some people cry aloud while others heave deep sighs which produces very bad effect. "One should be afraid of the sighs of the oppressed people".

THE HON'BLE SIR LAL GOPAL MUKERJI KT. (Law Minister): Sir, there is no remedy for a person who sees nightmares during the day; of course if he sees them at night, the case would be quite different. I do not think there is any necessity of the amendment moved by Pandit Amar Nath Kak. The intention of his amendment is already contained in the Regulation and I think the language and wording of the section mean the same as he wants to achieve by the amendment. Sir, you know that it is dangerous to add to the wording of a Regulation. The Regulation provides that it shall not apply to any proceedings instituted before the date of enforcement of the Regulation, and thus his amendment is not necessary. Therefore I oppose the amendment.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Those who support this amendment may kindly raise their hands.

NOTE.—Hands were raised.

Those who oppose this amendment may raise hands.

NOTE.—Hands were raised.

The amendment is lost by a majority of votes.

Now we take up the third amendment which runs as under:- Insert the words "or arrest" after the word "attachment" in the fourth line.

PANDIT AMAR NATH KAK: Sir, the Hon'ble Law Minister will support my amendment himself. My amendment is nothing but the explanation that he has given just now. He has stated that its wording is quite clear and there is no necessity of adding these words. The proceedings instituted before will continue for future also and this Regulation shall not apply to the execution of the decrees which have been passed before. But when he said this he did not take into account the words

which he used at the time of discussing this point. There the word arrest or attachment have been excluded and only the word attachment has been retained.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. (Law Minister): Look to Section 4. Section 4 relates only to attachment.

PANDIT AMAR NATH KAK : Except the amendment made to Section 4.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. (Law Minister): Section 4 relates only to attachment.

PANDIT AMAR NATH KAK : My submission is that the explanation that it is quite clear is not correct ; and the statement that it is to come into force in future, is not also correct. Under these circumstances I would submit that if the intention of this Regulation is that it shall not apply to those decrees which have been passed before, in that case it should be explained that it would not apply to those decrees in respect of which the order of attachment has been passed, and would be applicable, only to those wherein the order of arrest has been passed.

LALA SHIV NATH NANDA : Sir, I would submit that it is true that the Government also want to make laws in the interests of the agriculturists and help them in every possible way, but they should also know that the money-lenders too, have to live here. I think the intention of the Regulation is that it shall not apply to those decrees which have already been passed but Pandit Amar Nath has stated that it would apply to those decrees as well and the Hon'ble Law Minister has stated that this Ragulation would not be applicable to those decrees which have already been passed. There are many big zamindars in this House and they are supporting the poor. I have got a cartoon in which the big zamindar is shown holding a money bag in his hand and sitting on the poor peasant and crushing him under his weight. Therefore I would submit that the poor peasants are not being represented in the true sense. I would say that there should be friendly relations between the money-lenders and the zamindars. If the Government want to help the zamindars through the zamindars in this House, in that case I submit that the poor peasants are not being truely represented. I would request the Hon'ble Law Minister to keep in view the fact that lakhs of rupees of the money-lenders are in the form of decrees and care should be taken that the Regulation may not prove deterimental to one party and beneficial to the other. Our gracious Maharaja has declared that all his subjects are dear to him and those who are present here are also dear to him. Therefore I would request the Hon'ble Law Minister that when accepting or rejecting the

amendments moved, he should as far as possible keep in view that money-lenders are not made to suffer

PANDIT LOK NATH SHARMA : There seems to be some misunderstanding regarding this amendment. This amendment does not in any way intend to embitter the relations between the zamindars and the *Sahukars*. The question is that the amendment moved relates to an exception. The substantive law is that this Regulation shall come in force from the date on which it is published in the Government Gazette except the amendments that have been made in Section 4 and 5 (Corresponding to Section 60) ; and since the amendments made in Section 60 relate to attachment and not arrest, therefore this amendment does not in any way estrange the relations between the zamindars and the money-lenders and I think there should be no misunderstanding now. But as regards the amendment, the mover also will admit that it does not serve any useful purpose. It is superfluous. The position, Sir, is that no arrest can be ordered under Section 60 of the Civil Procedure Code and Section 60 has been amended by Section 4 of the new Regulation, so no question of amendment arises and I think the hon'ble member will take this amendment back.

THE HON'BLE SIR LAL GOPAL MUKERJI KT : Sir, Mr. Sharma has explained the matter in detail and therefore I need not say anything more on the subject. I submit that law will come into force after its publication in the Gazette. This law will not apply except in case of attachment proceedings instituted under Section 4, which refers to Section 60. I would submit that there is no reference to arrest and Section 60 does not relate to arrest, therefore how can the word "arrest" be inserted ?

PANDIT AMAR NATH KAK : Sir, I want to say something. Mr. Sharma has stated that the word "arrest" is an inappropriate but I would say it is appropriate because of the fact that the provisions of Section 60 C. P. C. have been relaxed to some extent. In view of certain items the attachment which could be ordered before would not be done now. In cases where attachment has been ordered under Section 60, this provision will not apply. The amendment proposed is that Section 60 should not apply to those decrees which have already been passed, and in respect of which execution or attachment has been ordered.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Those who support the amendment moved by Pandit Amar Nath Kak that in the fourth line of Section 1 sub-section (*iii*) the words "or arrest" should be inserted after the word "attachment" may please raise their hands.

(Hands were raised)

Those who are against this amendment may raise their hands.

(Hands were raised)

The amendment is lost by majority of votes.

Now those members who are in favour of retaining the clause as reported by the Select Committee and as amended by the House except the amendments relating to line 3, of Section 1 (*iii*) may please raise their hands.

(Hands ware raised)

Those who oppose it may please raise their hands.

(Hands were raised)

The majority supports the retention of this clause which will stand part of the bill.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Now Pandit Amar Nath Kak will move his second amendment to Section 3 of the Regulation.

PANDIT AMAR NATH KAK : Sir, since the amendments relating to the proviso that has been added to Section 51 of Regulation 10 of 1977 are governed by one and the same principle, therefore I want that all the amendments should be brought together and considered as one amendment. I want to make these amendments in 4th, 6th, 9th, 10th, 11th, 14th, 15th, 16th, and 17th line and I have referred to them in para 2. Because these amendments are based on one and the same principle, therefore I would take all of them together.

THE HON'BLE SIR LAL GOPAL MUKERJI KT : Yes, since principle is the same, therefore it will be convenient to take them together.

PANDIT LOK NATH SHARMA . But some difference will arise in the amendment to line 10.

PANDIT AMAR NATH KAK : Yes, clause (*e*) which relates to line 10 and in which I want to substitute the word "or" by the word "and" should be excluded from the rest.

I mean to say that with the exception of clause (*e*) all the amendments proposed by me in Section 3 of the bill will be taken together, and thus much time of the House will be saved.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : Why not combine them into one and move one amendment.

PANDIT AMAR NATH KAK : Yes, I am doing that. Now clause (3) of the bill in the amended form will read as under:—

The following proviso shall be added to Section 51 of Regulation 10 of 1977, namely:—

"Provided that where the decree is for the payment of money execution by detention in prison may not be ordered if after giving the judgment-debtor an opportunity of showing cause why he should not be committed to prison, and the

decree-holder an opportunity to give evidence in rebuttal, the Court for reasons recorded is satisfied."

I would like to submit that before this there was no such provision in Section 51 and now it has been transferred from Order 21, Rule 40 to Section 51. The wording of Order 21, Rule 40 is as under :—

"(1) Where a judgment-debtor appears before the Court in obedience to a notice issued under Rule 37, or is brought before the court after being arrested in execution of a decree for the payment of money and it appears to the court that the judgment-debtor is unable from poverty or other sufficient cause to pay the amount of the decree, or if that amount is payable by instalments, the amount of any instalment thereof, the court may, upon such terms (if any) as it thinks fit, make an order disallowing the application for his arrest and detention or directing his release, as the case may be."

If a decree-holder applies to the court for the arrest of the judgment-debtor and the judgment-debtor is brought before the court after being arrested and if the court is satisfied that the judgment-debtor is unable from poverty or other sufficient cause to pay the amount of the decree, the court may direct his release after giving an opportunity to the decree-holder to prove that the judgment-debtor has dishonestly transferred, concealed or removed any part of his property. All my amendments relating to this sub-head are quite in accordance with the provisions of law and in conformity with the Code of Civil Procedure and the Law of Evidence. As a matter of principle the judgment-debtor should be given an opportunity to prove that he has not removed or transferred his property with the intention of deceiving the decree-holder and has not dishonestly cancealed his property. The judgment-debtor should also prove what property he had before the decree was passed and what portion thereof had been taken by the other decree-holder and how much of it is left with him. It is after this that the decree-holder can know what property the judgment-debtor possessed and what part thereof has been concealed by him. Unless the judgment-debtor places these facts before the court, the decree-holder cannot know anything about his property. The intention of my amendment is that an honest judgment-debtor should not be sent to jail without any reason, but he should be given an opportunity to prove his bona-fides before the court.

My amendment does not mean that law should be changed and an honest judgment-debter put to trouble. But it is difficult for the decree-holder to prove that the judgment-debtor has acted dishonestly. It is true that in British India some amendments have been made in the Regulation and

the same have to be incorporated in the Regulation in force in the State. But we have to see that the judgment-debtors are not put to unnecessary hardships and as against him no concession is shown to any decree holder. Since in this Regulation no opportunity has been given to the judgment-debtor to prove his bonafides, therefore I have moved these amendments so that the question of onus proband, may be taken into consideration; and when an opportunity is given to the decree-holder to prove the bad faith of the judgment-debtor, in the same way the judgment debtor should be afforded an opportunity to prove his good faith. It is not proper to lay the onus of proving the dishonesty of the judgment-debtor on the decree-holder. The law is that if a judgment-debtor has dishonestly transferred or concealed his property, he may be sent to jail and if he is really honest and is unable to pay the decretal money he should be released from the prison. The onus of proof should lie on the person who wants to benefit by the exemption. Since the Law of of Evidence also follows the same principle therefore I have moved this amendment.

LALA HANS RAJ : Sir, I want to say something in this behalf. First I would address the Hon'ble Law Minister who is well versed both in Law and in Shastras. He would admit that debts should be paid off and all the religions including Islam admit that debts should be liquidated otherwise one has to pay it off in the next world.

PANDIT LOK NATH SHARMA : Take care of this world. None except God knows anything about the next world.

LALA HANS RAJ : Sir, is it proper to interrupt a member in the course of his speech ? Is it not "*baqwas*" ? It is an insult to me.

PANDIT LOK NATH SHARMA : Sir, I would like to ask, for whom he has used the word "*baqwas*".

LALA HANS RAJ : It is for you.

PANDIT LOK NATH SHARMA : Whether he has used this word for me, or himself or for any other member, I would submit that it is unparliamentary. I would request you, Sir, to ask him to withdraw his words.

LALA HANS RAJ : I am not at all prepared to do that.

PANDIT LOK NATH SHARMA : I want the protection of the chair. Sir, he may be asked to withdraw his words. We are privileged members of this House. The word "*baqwas*" is used by vulgar people. In order to preserve the decorum of the House, we are required to talk in a civilized manner.

LALA HANS RAJ : Whatever I speak in the House, I do so in the capacity of a representative of the public.

PANDIT LOK NATH SHARMA : Sir, I want to know whether he has withdrawn his words. I would submit that since this is against the decorum of the House, therefore it is necessary for the chair to ask him to withdraw his words and such words should not be used for any member of this House.

LALA HANS RAJ : I will not withdraw my words at any cost, even if a suit is filed against me

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : It is really an unparliamentary behaviour.

PANDIT LOK NATH SHARMA : Sir, the hon'ble member may be asked to withdraw his words.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Anyhow he has been asked not to use such objectionable words.

LALA SHIV NATH NANDA : Sir, I want to submit that Lala Hans Raj always says that he speeks the truth and is never afraid of telling the truth ; but the words which he has used today are really improper. The Lala Sahib has stated that he would not mind if a suit was filed against him, but he should know that being in the Praja Sabha there is no law under which he could be prosecuted.

LALA HANS RAJ : Is it not an insult to me that I am interrupted in the course of my speech. This matter should be decided first.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : But it is not proper to use such words.

LALA HANS RAJ : Sir, it is meanness on their part and it is not gentlemanliness. (Laughter)

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : You should be relevent.

PANDIT LOK NATH SHARMA : This is adding insult to injury, Sir. Firstly he does not withdraw his words and secondly he says that he wants to use stronger words than he has already used. Just now we were raising objection to his using the words "*baqwas*" and now he has used the word "meanness." His case falls under Rule 24.

PANDIT LOK NATH SHARMA: He wants to spoil the decorum of the House Sir, I want to invite your attention to this Rule. My submission is that if in your opinion and in the opinion of the hon'ble members the words used by him are improper, he should feel ashamed of it because he is a pleader and a respectable man and such words cannot add to his glory. We do not want that our relations may become estranged in this House. We discuss things in the House, have differences of opinions but that does not mean that we should come to abuses. I admit that he is an elderly person, senior to me in practice

and is doing more service to his country than I do, but it does not mean that he should transgress the limits of decency. All of us hold equal positions in this House.

SHEIKH ABDUL HAMID: Sir, I invite your attention to Section 21 of the Rules of Business. It is generally seen here that some members transgress the limits and use objectionable words which is not proper for them.

SHEIKH ABDUL HAMID: I invite the attention of the House to the indecent and objectionable words used by him whether those words are used for a, b or c. Anyhow I, along with other members, would ask him that it was his moral duty to gladly admit any mistake that might have been knowingly or otherwise committed by him, otherwise the chair is authorized to take action against him for infringing the provisions of this section. Therefore I request him kindly to withdraw his words, otherwise the Hon'ble President will be compelled to take action in this behalf. But the Hon'ble President has also asked him to withdraw his words and if he is not prepared to withdraw his words himself, the Hon'ble President will be compelled to ask him to leave the House.

LALA HANS RAJ: I want to submit to my colleagues that I have come to place the grievances of the people before the House. My esteemed brother Sheikh Abdul Hamid has asked me to admit my mistake, but I say that I never thought of injuring anybody's feelings. But since he has felt it, therefore I submit that I had no such intention. (Cheers)

MR. PRESIDENT (The Hon'ble Mr. Justice K. L Kichlu): Since he has said he meant no injury to anybody, therefore this, I hope, will satisfy all. You may now continue your speech.

LALA HANS RAJ: Sir, but they too, in future should not make fun of me and whether they have to support or oppose my motion, they should not interrupt in the course of my speech.

MR. PRESIDENT (The Hon'ble Mr Justice K. L. Kichlu): Nobody will interrupt you when you are making a speech.

LALA HANS RAJ: I was saying that there are many capable persons here. The Hon'ble Ministers also are very intelligent and highly educated and if we are devoid of wisdom they should impart wisdom to us.

I would like to submit to my friends that they should not always tease a person and injure his feelings. This sort of behaviour is intolerable. Such persons cannot achieve anything in the world.

SHEIKH MOHAMMED AMIN: Sir, I would request that all this is irrelevant and it should be stopped now.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Yes.

LALA HANS RAJ: Sir, I am asked to beg pardon and to refrain from using such words in future but I submit that if they tease me, I will use stronger words than this. Well, now I come to the subject proper. There are two points in the amendment moved by Pandit Amar Nath Kak. The first is that when a judgment-debtor is brought before the court but if he on account of poverty is unable to pay up the decretal amount and takes shelter behind the law of insolvency on whom does the burden of proving his poverty lie. Under the Law of Evidence the onus of proof lies on the person who declares himself to be a pauper otherwise he can be sent to prison. When a decree is passed by a court in favour of a decree-holder, the latter is entitled to realize the decretal amount by attachment but the judgment-debtor says that he has no money and neither has he concealed it nor dishonestly removed it. My submission is that it is far from justice to lay the burden of proof on the decree-holder to show that the judgment-debtor can pay up the decretal money. If a person borrows money, spends it and is so poor that he is unable to pay off the debt, he should prove that he is unable to pay off the debt, but it is not fair to shift the burden of proof to the decree-holder. I want to submit that the Hon'ble Ministers are not acquainted with the conditions in the Mufassils and I think those who claim to represent the zamindars are not fighting their cause sincerely but, on the other hand, they are putting obstacles in their way. If the money-lender or the decree-holder is disgraced like this, the zamindars would not be able to borrow even a single rupee. I have seen the zamindars and the poor labourers weeping and complaining that they are hard hit because nobody is prepared to lend them money even for defraying the marriage expenses. Their dead bodies remain lying without a sheet or shroud. There are Co-operative Societies here but they are not doing sotisfactory work. I have already submitted that a commission should be appointed which might enquire whether those societies have done any real good to the people or not. The bill that is before the House today will prove more detrimental to the poor people. My learned friend Pandit Amar Nath Kak has stated that the words "onus of proof shall lie on the decree-holder" may be deleted. He is quite correct. The onus of proof should lie on the judgment-debtor. When the judgment-debtor is brought before the court, he should prove that he is unable to pay off the debt and has not committed any dishonesty and therefore should not be sent to prison. The dercee-holder is

put to another hardship namely that when he puts a judgment-debtor in prison, he has to pay his expenses in the jail. Some of the judgment-debtors are such as gladly court prison because there also their expenses have to be met by the decree-holder. I want to submit to the members of this House especially the Lambardars, Zaildars and Jagirdars who call themselves zamindars and are acquainted with the condition of the zamindars that they should explain to the Hon'ble Minister whether what they are doing is for the welfare of the people or not. They should ask them whether they can pay off their debts like that, whether they can borrow money in future and whether it is not a sheer injustice to the money-lenders. If a dacoity is committed in the House of a debtor and he is unable to pay the debt, he should prove the same and these be exempted from the payment of the debt. I want to know as to how long this injustice will go on. If the present enlightened Ministers cannot put an end to these hardships and injustice, who else can do it and when? I support this amendment and want to invite the attention of the House to the fact that they should fear God and not allow anything which might bring destruction. A man cannot absolve himself of his liabilities even in the next world and therefore one should not spoil his future, so much so that even the holy Prophet Mohammed refused to offer funeral prayers for a man who did not pay his debt which amounted to four annas only. I would submit before the Hon'ble Ministers that His Highness the Maharaja Bahadur treats all his subjects alike and therefore the Government should also treat them alike.

All the human-beings are limbs of one another. We should not create partisan spirit. There has been a great unrest among the people from the time this Regulation came into force. Therefore I submit that you should fear God and see that this unrest does not gain force.

LALA SHIV NATH NANDA: Sir, what the amendment of my friend Pandit Amar Nath Kak means is that the Gover nment have instead of putting the burden of proof on the judgment-debtor to show that he on account of poverty is unable to pay off the debt and has not spent the money dishonestly, shifted the burden on the decree-holder to prove that the judgment-debtor can pay up the decretal amount. My esteemed friend the old general (Lala Hans Raj) has thrown sufficient light on the subject, therefore I would only submit that the Government should themselves remove this complaint. It is not a sound law that the judgment-debtor should not be required to prove that he is unable to pay off the debt but the decree-holder should prove that the judgment-debtor can pay off the debt and such restrictions will put the decree-holder to great difficulties. Under

these circumstances the only way by which the decree-holder can prove that the judgment-debtor is able to pay off the debt is either by producing the documents or by adducing evidence against the judgment-debtor. In such a case two or three years will be wasted in adducing evidence and it will put the decree-holder to loss in as much as during this period he will incur much expenditure and his business too will suffer. I would like to submit that if the Government are anxious to provide facilities to those who are unable to pay off their debts, they can help them in some other way, but the enactment of such a law is by no means advisable. This is not an ordinary thing. If a person has borrowed some money there should be provided some proper mode of recovery of that amount, otherwise such restrictions will affect both the parties injuriously. It is generally noticed that when we have to express the utter helplessness of a person we call him "*bechara*". The term "*bechara*" is generally used for the zamindars and means one without remedy but in reality it is the *Sahukar* who has no remedy and the Government too do not help him.

I would respectfully submit to the Hon'ble Law Minister that this was the only means of recovery of debts and if this too is abolished, you will find, Sir, that lakhs of rupees will be swallowed up, the *Sahukaros* will suffer a great loss, and hundreds, nay thousands of insolvency petitions will be presented. The law requiring the decree-holders to prove that the judgment-debtor is of sufficient means to pay the debt is not equitable.

It is the moral duty of the judgment-debtor that he should file an affidavit in the court that he has not means to pay off the debt, and that so long as he is not able to do so, the execution of the decree against him may be stayed. This law is meant for those who do not want to pay the debt. The *Sahukars* have no money with them but they borrow it from others. I have often observed that when the period of limitation is about to expire the *Sahukar* asks the debtor to pay off the debt or a suit will be instituted against him in the court. The debtor pleads inability to pay the debt and offers to renew the bond. This is done accordingly. In the end I would request the Government to raise the morals of the people. I support the amendment of Pandit Amar Nath Kak·

LALA RAM LAL: This amendment has created some misunderstanding and an attempt is being made to show that this Regulation is not meant for the protection of the zamindars but on the other hand the object of introducing this Regulation is to safeguard the interests of the *Sahukars*. There are some capitalists who want to borrow money and swallow it

up, otherwise in Order 21 Rule 40 of the Civil Procedure Code there is already a provision for the poor zamindars to the effect that the poor should be put into prison. Under these circumstances the Government have by introducing this amendment Regulation tried to free the capitalists from their liabilities and this has created some unrest.

The main point in this amendment is that of the burden of proof. I submit that it is a well-known principle of law that the onus of proof will lie on the person who asserts a certain thing. In the present case the burden should lie on the judgment-debtor, as is laid down in Order 21, Rule 37 that after the notice is issued the judgment-debtor shall be given an opportunity to show cause why he should not be committed to prison. It is clear from order 21, Rule 37 that the burden of proof, that he is poor should lie on the judgment-debtor. For instance a resident of Rajouri borrows money from a *Sahukar* living in Jammu, but on the passing of a decree, how can the *Sahukar* prove as to what property is in the possession of the judgment-debtor. In view of these facts I support the amendment that the burden of proof should lie on the judgment-debtor.

SHEIKH MOHAMMED AMIN : Sir, I oppose the amendment and submit that the intention of law is that it should be followed rightly and the real facts should be taken into account. It is generally seen that it is not advisable to put the burden of proof on the judgment-debter. If any person claims in a court that there is a charge over certain property the burden of proof lies on the plaintiff and not on the defendant.

It is generally found that when a judgment-debtor, who has no money, is brought before the court, he has nothing except his statement and the evidence, but the money-lenders who are influential and who move in a higher circle, derive an undue advantage from this law. Any person who possesses money and other property will not like to court prison and keep the money in the safe. It has been observed that this law has wrongly been followed and the poor people have to suffer a great loss. Besides there have been many such cases where judgment-debtors who had no money or other property, were sent to prison under some influence and pressure and even after that the debt was not recovered. In view of these facts I oppose this amendment and support the proposal of the Select Committee.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. (Judicial Minister) : Sir, there has been some misunderstanding in this case which I want to remove, and the amendments are also due to this misunderstanding. I want to point out that the Regulation which we want to enforce in the State is the same that is in force in British India. Borrowing is not a crime and should not there-

fore be punished. If a man commits theft he is sent to the prison, is flogged and is fined because the commission of theft is a crime and an offence against the society. There was a time when in England people were imprisoned for a period of twenty years in lieu of debt ; for instance persons like Oscar Wilde and many other famous persons were put in the prisons. To say that a debtor is a slave of the creditor is wrong. In ancient days the borrower used to execute a slavery bond in favour of the creditor and served him during his life-time and after his death his son served the creditor. The civilized world is of opinion that, it is no doubt, improper to borrow and not to pay the debt but it is not a crime for which he should be tortured. The present Regulation which has been introduced to-day is based on this principle. It means that if a judgment-debtor is unable to pay off the debt, his property may be attached but if he has no property, he cannot be imprisoned. But if it is not proved that the debtor has dishonestly transferred or concealed his property or committed any other act of bad faith in relation to his property or he did not avail of the opportunity offered to him for paying off the debt after the decree was passed he cannot be sent to prison. To say that this law will prove beneficial to the debtors only, is wrong. Humanity demands that corporal punishment should not be inflicted. Non-payment of debts is not a crime. The Government are prepared to do justice and have no other object in view.

PANDIT AMAR NATH KAK : I want to submit one word for the consideration of the House. Under certain circumstances a judgment-debtor can be sent to prison ; but if the intention were to exempt him from imprisonment for ever, in that case the argument that no punishment be inflicted on his person, would have held ground. We too desire that he should be imprisoned only when he is dishonest and if he is honest he should not be sent to prison. I did not say that the provision should be deleted. It should be retained and the principle that if he is honest he should not be sent to prison, should also remain intact ; and in no case should corporal punishment be inflicted on him. The only point is that on whom should the burden of proof lie and it is this point which should be taken into consideration.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : The question of burden of proof is quite clear. If we admit as has been admitted by our friend Mr. Kak, that non-payment of bebt is not a crime and that the infliction of corporal punishment on the honest judgment-debtor is inhuman, in that case the burden of proof lies on the decree-holder and he is bound to furnish proof. If you think that corporal punishment should be inflicted on the judgment-debtor for non-payment of debt, it would be inhuman. He has stated that the burden of proof should be placed on the judgment-

debtor, but I would say that when the judgment-debtor files an affidavit in the court that he is honest and has not concealed his property, in that case the onus of proof is shifted to the decree-holder. The Law of Evidence also comes to the same point. When a judgment-debtor has filed an affidavit he is freed from the burden of poof and the burden lies on the decree-holder to prove that the judgment-debtor has spoken a lie. In fact the question of onus of proof is very simple and I wonder why it should cause anxiety to our friends.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Pandit Amar Nath Kak has moved several amendments in lines 4, 6, 9, 10, 11, 14, 15, 16 and 17 of Section 3. He wishes that all these, with the exception of the amendments in line 10, should be taken up together. The hon'ble members have already had an opportunity to speak on the amendments. Those who are in favour of the amendments will please raise their hands.

(Hands were raised)

Those who are against the amendment will also raise their hands.

(Hands were raised)

The amendments are lost by a majority of votes.

PANDIT AMAR NATH KAK : I withdraw my amendment about the substitution of "or" by "and" in line 10.

MR PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) Amendment is withdrawn with the permission of the House. Pandit Amar Nath Kak will now move his amendment to Section 4.

PANDIT AMAR NATH KAK : Sir, I have given notice of another amendment to clause (*a*) (*ii*) of this very Section 3. The amendment is :—

"In Section 3 clause (*a*) (*ii*) the words "after the institution of the suit in which the decree was passed" be omitted.

The section, as it is worded and retained by the Select Committee as well, lays down in what case a judgment-debtor can be arrested and detained in civil prision. The words are :—

"has after the institution of the suit in which the decree was passed dishonestly transferred, concealed or removed any part of his property or committed any other act of bad faith in relation to his property". I wish that the words "after the institution of the suit in which the decree was passed" be omitted from this section, and in the first line of clause (*b*) of the same section the words "the liability to pay was incurred or the institution of the suit or" be added after the words "since the date of".

The section will then read as :—

"That the judgment-debtor has or has had since the date the liability to pay was incurred or the institution of the suit or the decree the means to pay the amount of the decree or

some substanital part thereof and refuses or neglects or has refused or neglected to pay the same". I want to take the first point of this amendment first. The aim of the amendment is to meet cases where the debtor may transfer, remove or conceal his property, prior to the institution of the suit, without informing his creditors and thus avoid the payment of his liability though a decree be subsisting. It would not be proper to exempt the judgment-debtor from imprisonment in that case. To take an instance, suppose a person borrows two hundred rupees from me in the year 1993. I have a right to recover that amount. The debtor lives in one place aad I live in a different place so that I have no knowedge of his transfers. The person transfers his property in 1994 and in Baisakh 1995, I learned that the man had a house and some land which he sold with a view to defraud his creditors. The buyer purchases the property in good faith without any knowledge of the seller being in debt and pays him five or six hundred rupees for it. If I institute a suit against him, he cannot, in the presence of the existing laws, be imprisoned for having made such a transfer because the words of the section do not cover such actions.

Under Section 52 of the Transfer of Property Act, I can file a suit for the rescission of the transfer but under that section the intention of the transferer is immaterial. I mean the intention of the debtor to deprive the creditor of the means to recover his debt. What will be seen in such a suit is whether the purchaser had any knowledge of the debtor being in debt. The section lays down many other conditions. In short, there are many difficulties in the way of success in a suit under that section. If the debtor transfers his property even ten days prior to the institution of the suit, the creditor cannot lay his hands upon him, even if he has the money in his pocket. Therefore the retention of the words "after the institution of the suit" in Section 3 clause (*a*) (*ii*) will create difficulties. Though the word "dishonestly" exists in the section, but if the transfer is made honestly, the act will not come within the purview of this section. With this contingency in view, I have moved this amendment and I wish that a debtor who transfers his property before or after the institution of a suit should be liable to imprisonment. A reasonable period should, of course, be fixed and if the debtor transfers his property within that period he should be liable to imprisonment.

THE HON'BLE SIR LAL GOPAL MUKERJI KT : What do you mean by reasonable period ?

MR. AMAR NATH KAK : That can be left to the discretion of the court. In insolvency cases such period is taken as two years. The period should therefore be at least two years.

MR. JIA LAL KILAM: Sir, though a signatory of the Select Committee report I want to make some submission about this amendment.

My submission is, Sir, that the amendment put forward by my hon'ble friend Mr. Amar Nath Kak does not negative the principle underlying this section. If Mr. Kak's amendment had been against the principle of the section, I would not have stood up to say anything against the section proposed by the Select Committee. He has explained very well the position and after hearing him I do not repent why I have become a convert. My submission is that the words "after the institution of suit" makes the scope of the section very narrow and gives a lot of latitude to dishonest debtors. After all the policy of the law should not be such as to encourage dishonesty. Of course I agree and no body can disagree with this dictum that we must try to give relief to honest people who have capacity to pay all their debts but we should not encourage dishonesty in debtors with a paying capacity. It has been very ably pointed out by my hon'ble friend Pandit Amar Nath Kak that if I borrow a sum of Rs. 200 today, my creditor lends me the amount on the security that he will realize the debt by selling my property in the event of my refusal to pay back the debt. What will become of the poor creditor if I sell my property as soon as I hear that the creditor is trying to seek legal remedy. In these circumstances the creditor must suffer. I believe my hon'ble friend Mr. Beg who is so feelingly looking towards this section will also support the amendment of Mr. Kak. No doubt we must always try to see that honest debtors must not be made to suffer but at the same time we should also mind the interests of the creditors.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: Sir, while moving his amendment, Pandit Amar Nath Kak said that the world "after the institution of the suit in which the decree was passed" should be omitted from Section 3(*a*) (*ii*). Mr. Kak is always reasonable and he has so modified his amendment as to demand the fixation of a reasonable limit so that a debtor may not find himself in the grip of this section for the whole of his life, because there are some debts which have been contracted twenty or thirty years back. By way of a compromise with Mr. Kak, I suggest that the reasonable limit should be one year instead of two. The clause will then read as:—

"has one year before the institution of the suit in which the decree was passed."

In this way the debtor shall not be put to any undue hardship.

PANDIT AMAR NATH KAK: I think it should be like this: -

"has one year before or after the institution of the suit in which the decree was passed."

THE HON'BLE SIR LAL GOPAL MUKERJI KT: I cannot say I am an expert in English language but I think it should be like this:—

"has within one year before or after the institution of the suit."

PANDIT AMAR NATH KAK: I think it should be "prior" for "before" and should read as:—

"after the institution of the suit or within one year prior to the institution of the suit."

THE HON'BLE DIWAN BAHADUR N. GOPALASWAMI AYYANGAR: You agree.

PANDIT AMAR NATH KAK: Yes Sir, I agree.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Mr. Kak's amendment will now read as:—

"has after the institution of the suit or within one year prior to such institution".

Those who are in favour of the amendment will raise their hands.

(Hands were raised)

Those who are against the amendment will raise their hands.

(Hands were raised)

The amendment is carried by a majority of votes.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Mr. Kak's next amendment will be taken up now.

PANDIT AMAR NATH KAK: That pertain to Section 3 clause (*b*).

THE HON'BLE SIR LAL GOPAL MUKERJI KT: You are withdrawing it, I suppose?

PANDIT AMAR NATH KAK: All right, Sir.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Do you want to withdraw it?

PANDIT AMAR NATH KAK: This is unnecessary. I want to withdraw it, because my first amendment has been accepted and this is only an off-shoot of that.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): But Lala Ram Lal has also tabled the amendment. Will he move it?

LALA RAM LAL: The other amendments having been discussed along with those of Pandit Amar Nath Kak and having also been rejected, I want to make some submissions about the addition of an explanation to clause (*b*).

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): So you withdraw the first portion?

LALA RAM LAL: Those amendments have already been rejected, when Mr. Kak's amendments were discussed.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: Which part do you mean?

PANDIT LOK NATH SHARMA: Dropping the rest, he wants to retain the last line of the explanation, namely "provided the property was not purchased subsequent to incurring the debt"

THE HON'BLE SIR LAL GOPAL MUKERJI KT: I see.

LALA RAM LAL: Sir, things have taken such a turn in the House that our amendments are defeated one after another. No amendment, except an ordinary one, has been accepted by the Government. The addition of an explanation proposed by me by way of an amendment is so important that the Government then, in no case ignore it. The explanation contained in the bill brought forth by the Government is:—

"in the calculation of the means of the judgment-debtor for the purposes of clause (*b*) there shall be left out of account property which by or under any law or custom having the force of law for the time being in force is exempt from attachment in execution of the decree."

I propose the addition of the words:—

"provided the property was not purchased subsequent to incurring the debt."

The amendment is desired to meet cases like this. Suppose a person contracts a debt of ten thousand rupees and on the following day purchases land with that money. Under Section 60 of the Civil Procedure Code, land is exempt from attachment and therefore the land purchased by the man with the money that he borrowed cannot be attached. Any person who wants to be dishonest, can do so. The law should therefore provide some check for this. To take an instance, if a person contracts a debt and on the following day acquires some property which is exempt from attachment under Section 60, it is likely to give rise to many difficulties. With this contingency in view, I appeal to the Government not to overlook the importance of this amendment. The explanation that has been incorporated by the Government in their bill is likely to encourage dishonesty. A person may incur a debt and on the following day purchase land with a view to misappropriate the money. This being the case the passage of this amendment depends upon the mercy of the Government. The Government should not encourage people to incur debts and resort to dishonesty when the money has to be repaid. If such provisions are incorporated in the law and the law is made so lax, dis-

honesty will gain ground and the creditors shall have no remedy left. My amendment is based on principle and I request the Government to accept it.

LALA HANS RRJ: Sir, I do not feel any necessity of a lengthy explanation. I only want to state briefly that "king is the master of his time" and can do whatever he likes. If the Government wish that there should be unrest and mutual bickerings and if they want to create feelings of distrust.....

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Do you support the amendment or oppose it?

LALA HANS RAJ: I support it, Sir, and submit that the members of this House have been appointed by His Highness the Maharaja Bahadur. It is their duty to speak for the people in this House, which is a part of the Government machinery. They should help in the administration of justice to every individual and should encourage honesty. If the hon'ble members wish to make the people dishonest and if that is the desire of the Government also, then I will not interfere. But we wish that the Ruler and officers appointed by him should mete out equal treatment to all and should do justice to every one so that there may be a reign of justice in the country. It is our duty to request the Government not to promulgate in the State laws that might encourage dishonesty. The Government should also feel that this bill forestalls the end of justice in the State. As a result of the means adopted at present, people cannot recover debts advanced by them. By introducing this measure, the Government has now raised an obstacle which shall render recovery of debts difficult. In doing this the Government is not doing any good to the people but is only teaching them to be dishonest.

We are poor, needy and oppressed and in a poor minority. We are not in a majority. The majority is of those whom additional facilities are being provided. They grow fat with the property they misappropriate and the blood they suck. They loot the poor zamindars and feed themselves fat.

I would submit to the Hon'ble Prime Minister that this legislation will avail nothing. It will only encourage dishonesty and put a premium on injustice. These evils should be checked and an era of justice ushered. Dishonesty should be uprooted and the difficulties of the people removed. With these words I close my speech.

SHEIKH MOHAMMED AMIN: Sir, the amendment moved by my learned friend, Lala Ram Lal, is not, I think, based on any principle. The law already in force and being followed at present contains an explanation which would be nullified by the addition of this new proviso. Regarding the addition

of this proviso, I submit that so far as mutual transactions go, it is a fact that no *Sahukar* will advance even a pice as a loan to any person unless he is fully satisfied that the latter has sufficient property and will not defraud him or swindle him of his money. Transactions are generally conducted on mutual trust and confidence and in these dealings honesty being kept in view, the motive is the profit that accrues from them. To say that the enactment of this law will give an undue advantage to the zamindar, who had contracted a debt from the *Sahukar* and that this is a protective measure for him are, I submit, Sir statements based on no facts. I wish to submit all the details about it. It has been observed that when a *Sahukar* goes to some village he is not well off in the beginning, but after residing in the village for a year or two his financial condition undergoes a radical change. He becomes wealthy and amasses thousands of rupees in a short span of time. It is not known whether the *Sahukar* sucks the blood of the zamindars or they themselves allow him to suck it. The zamindar being illiterate is generally reckless. He is so much oppressed that he finds it hard to live. Sometimes oppression takes the form of excessive tyranny and sometimes of excessive rates of interest. This results in his impoverishment.

Loans are advanced to a zamindar on the credit of his solvency. But when his financial condition has deteriorated and he is made to pay his debts, and when even the *Sahukar* cannot prove that he has the means to pay the debt, then why should we be hard to him? It is generally observed that loans are given for purchasing land. This amendment has been moved with a view to provide means to enable the *Sahukars* to take possession of land and as such it conflicts with the amendment to the Land Alienation Regulation. The purpose of the amendment is to give the zamindars a right to attach land. If the Government have introduced this bill with a view to put a check upon inhuman treatment being meted out to the debtors, as is the case at present, then, it is incumbent upon them not to support this amendment and not let the debtors to be imprisoned. If the debtor is dishonest or guilty of a similar act of bad faith, in that case he can be imprisoned. Ordinarily this should not be done. In the light of these facts, Lala Ram Lal's amendment is not based on the principle which has already been accepted by the Hon'ble Judicial Minister. Therefore I oppose it.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: Sir, I think the amendment before the House has nothing to do with the original section, nor has the discussion that was just going on, any connection with it. I fail to understand how the words of the

amendment *viz.* "provided the property was purchased subsequent to incurring the debt" can be connected with the explanation and what purpose they will serve. The incorporation of this proviso in the bill will be quite meaningless. The amended explanation of clause (*b*) would mean that in calculating the means of the judgment-debtor property now exempt from attachment will be taken into account provided that it was acquired after incurring the debt. In other words if the judgment-debtor has acquired for instance land after incurring the debt, it can be attached according to this explanation, although under the present law, land is exempt from attachment. What would the sentence "there shall be left out of account any property which by or under any law or custom having the force of law for the time being in force is exempt from attachment in execution of the decree" mean in that case ? What shall be the force of this section and how can property that is exempt from attachment in execution of the decree" mean in that case ? What shall be the force of this section and how can property that is exempt from attachment be attached. To take an instance, the bedding of a judgment-debtor, his cot, agricultural implements and a pair of bullocks used by him for ploughing the land are not taken into account in calculating his means of paying the debt. If these articles are purchased by him even after incurring the debt, they cannot be attached. I fail to understand how these words can then, fit in with this explanation.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Will you withdraw your amendment ?

LALA RAM LAL : Yes Sir, I shall have to do that now, because the passage of our amendment depends upon the mercy of the Government, who have not been moved by our arguments ? I therefore wish to.....

MR. M. A. BEG : He gave a notion that he was withdrawing the resolution but has commended a regular speech now.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Since you said that you are going to withdraw it, you need not therefore say much now.

LALA RAM LAL : What I wanted was that land acquired after incurring the debt should not be exempt from attachment. The Hon'ble Judicial Minister said that the law, as it already stands, has exempted land from attachment. We have therefore been disappointed. Sheikh Mohammed Amin said that this amendment would give rise to many difficulties and the original section would be nullified. As there is no hope that the House will give any sympathetic consideration to the amendment, I withdraw it.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Those in favour of the amendment being withdrawn may please raise their hands.

(Hands raised)

Those who are against the amendment will raise their hands.

(Hands raised)

NOTE.—Permission to withdraw the amendment was granted.

MR. PRESIDENT (The Hon'ble Mr. Justice K L. Kichlu): The question is that clause 3, as reported by the Select Committee and further amended by the House form part of the bill. Those in favour of the motion may please raise their hands.

(Hands were raised)

Those against the motion may also raise their hands.

(Hands were raised)

The motion is carried. The clause will form part of the bill. Pandit Amar Nath Kak will now move his amendment to clause (4)

PANDIT AMAR NATH KAK : Under Section 60, thirty rupees are exempt from attachment, in case the salary does not exceed sixty rupees and if it exceeds that amount then half of it is exempt from attachment A proviso has been added to this section which reads as :—

"provided that where the whole or any part of the portion of such salary liable to attachment has been under attachment, whether continuously or intermittently for a total period of 24 months such portion shall be exempt from attachment until the expiry of a further period of 12 months."

Sir, I do not want to move the first part of my amendment.

THE HON'BLE SIR LAL GOPAL MUKERJI KT : You mean you are going to drop it ?

MR KAK : Yes Sir, I drop clause (*a*) of my amendment.

It will serve no good purpose if the salary of a person which has remained under attachment for a period of two years is exempted from attachment for one year. Opportunities of recovering the debt by the attachment of his person have already been minimized. Similarly chances of recovery by the attachment of his immovable property have been curtailed as far as possible. There remains his movable property. There is no sense in suspending for one year the attachment of that portion of his salary which is in excess of thirty rupees This will mean a hardship to the decree-holders. I would like this proviso to be omitted altogether but as nothing can be possible without a compromise, I have proposed that attachment be suspended for six months instead of one year.

LALA HANS RAJ : I support Mr. Kak.

THE HON'BLE SIR LAL GOPAL MUKEERJI KT : This proviso has been taken from the British Indian law. The intention is to suspend attachment of the salary for one year in the case of a person, half of whose salary has remained under attachment for two years, during which period he has naturally been subjected to a great hardship. It is not unreasonable to grant exemption for one year when the salary has remained under attachment for a period of two years.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The question is whether the words "six months" be substituted for the words "twelve months" in the proviso to clause 4. Those who are in favour of the amendment will please raise their hands

(Hands raised)

Those who are against the amendment will also raise their hands.

(Hands raised)

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The amendment is lost by a majority of votes. Lala Ram Lal will now move his amendment.

LALA RAM LAL : As the Government is going to oppose the amendment, I withdraw it.

NOTE.—The amendment was withdrawn with the permission of the House.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The question is that clause 4, as reported by the Select Committee form part of the bill. Those who are in favour of the motion will raise their hands.

(Hands raised)

Those who are against the motion will also raise their hands.

(Hands raised)

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Clause 4 will form a part of the bill.

No notice of any amendments to clauses 5, 6, 7, 8, 9 and 10 has been received. The motion therefore is that the clauses as reported by the Select Committee form part of the bill. Those who are in favour of the motion will raise their hands.

(Hands raised)

Those who are against the motion will also raise their hands.

(Hands raised)

As there is no opposition to this motion, these clauses will form part of the bill.

There remains clause 11.

PANDIT AMAR NATH KAK : Even that need not be moved, because it is only consequential to Section 51. As Section 51 has been passed, this need not be moved.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : So you do not want to move any amendment to this clause.

PANDIT AMAR NATH KAK : No, Sir.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The question is that clause 11, as reported by the Select Committee, form part of the bill. Those who are in favour of the motion will raise their hands.

(Hands raised)

Those who are against the motion will also raise their hands.

(Hands raised)

The majority is in favour and the clause will form part of the bill.

No amendment has been proposed to clause 12, which shall therefore be retained, as reported by the Select Committee. Those who are in favour of its retention will raise their hands.

(Hands raised)

Those who are against it will also raise their hands.

(Hands raised)

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): The clause will form part of the bill. The last motion is that the title and preamble form part of the bill.

NOTE.—The House agreed.

THE HON'BLE SIR LAL GOPAL MUKERJI KT : I move that the bill as a whole be passed.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Those who are in favour of the motion will please raise their hands.

(Hands raised)

Those who are against the motion will also raise their hands

(Hands raised)

The bill is passed by a majority of votes.

Stamp Regulation (Amendment) Bill.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Hon'ble Sir Lal Gopal Mukerji will now move that the Stamp Regulation (Amendment) Bill be taken into consideration.

THE HON'BLE SIR LAL GOPAL MUKERJI KT : I move that the bill be taken into consideration.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : No question has been asked about this bill, nor has any resolution been tabled. The Secretary of the Praja Sabha will therefore submit a report to the Council accordingly.

Levy of Tolls Bill.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The Hon'ble Home Minister will now move that the bill to

enable the Government to levy tolls on public roads and bridges be taken into consideration.

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN : Sir, the bill enabling the Government to levy tolls on public roads and bridges in the Jammu and Kashmir State is laid before you under Section 39 of Regulation No. 1 of 1991 for asking of question and moving of resolutions if any.

You know in 1936 a committee consisting of the Home Minister, Finance Minister, Inspector General of Customs and Excise, the Inspector General of Police and the Presidents of Srinagar and Jammu Municipalities was formed to examine the question of taxation on motor vehicles in the State and to make recommendation with regard to this question for the consideration of the Government. The committee suggested that the rate of road toll leviable on certain motor vehicles be reduced to certain extent. The recommendations of the committee were accepted by the Government and the rates of toll leviable on certain motor vehicles were accordingly ordered to be reduced.

To give effect to those orders of the Government certain amendments were necessary in certain enactments by which tolls were levied. It was thought advisable to have a short self-contained regulation on the point rather than to amend the notification imposing tolls by means of a Regulation. With this object in view this bill is being laid before the House. From a perusal of the bill it appears that it neither proposes a new taxation nor does it enhance the rate of taxation leviable at present ; on the other hand it proposes to reduce certain taxation in accordance with the recommendations of the committee appointed to examine the question on motor vehicles. The power to collect tolls is at present exercised by the officers of the Customs Department and in order to keep the present practice in tact provision has been made in this Regulation that the person under whose management the tolls are levied at the commencement of this Regulation shall continue to levy and collect them under the provisions of this Regulation.

Without going into the details of the provisions of each section of the Regulation, I move that the questions may be asked and resolutions put with regard to the bill before the House.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Mr. Beg and Sheikh Mahammed Amin have given notice of a resolution about this bill. They may move their resolution now.

MR. MOHAMMED AFZAL BEG : Sir, under Section 3 of the proposed bill, Government is fully competent to increase or decrease the rates of toll. I have proposed the addition of the following proviso to sub-section 1 of Section 3, which empowers

the Government to enhance the rates of the toll from time to time:—

"Provided that the rates shall in no case exceed those mentioned in the Schedule annexed to this Regulation."

What I mean to say is that the schedule, annexed to this Regulation contains the rates of the toll fixed for wheeled conveyances and animals. These are the rates now under the consideration of the members of this House. But the Government is competent to ignore these rates and to fix other rates in their place. In other words the members of this House can be deprived of an opportunity to consider the rates. Hence my resolution that the rates, to be fixed, should in no case exceed those laid down in the Schedule annexed to this Regulation. I would therefore request all the hon'ble members to agree with me.

SHEIKH MOHAMMED AMIN: I support the motion.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: Sir, through his amendment Mr. Beg wants something to be added to Section 3. This is based on some misunderstanding. As an example, I submit that I was a judge of the Allahbad High Court at the time when ten per cent. cut was imposed in British India. When this proposal was made, my friend, who is now the Chief Justice of the Lahore High Court said "How can they cut our pays? They have been fixed by the Parliament."

It was thought at that time that the Government of India could not impose any cut on our salaries. Therefore an Act was passed in London and the law amended with the result that a cut of Rs. 400 was imposed on our salaries. What I mean is that no laws passed by a Government can be binding on a subsequent Government. It would not therefore be correct to say that the rates fixed in the present schedule cannot be enhanced afterwards. If the Government desire to alter a law, the hon'ble members have a right to advance their arguments on the floor of this House and if they are convinced the law can be modified. Therefore I submit that my friend is not correct in what he says. I hope, seeing that his resolution is vague and meaningless, he will withdraw it

MR. MOHAMMED AFZAL BEG: Sir, the difficulty is that Section 3 empowers the Government to alter the rates of road toll from time to time. The section provides:—

"The Government may from time to time prescribe, annul or alter rates of the toll to be levied upon any road, ferry or bridge which has been or shall hereafter be made, maintained or repaired at the expense of the Government or from funds levied under the authority and subject to the

general control of the Government and may place the collection of such tolls under such management as may appear to it proper."

This section gives full authority to the Government to alter the schedule from time to time. If the section is allowed to stand, the Government can alter the rates of the toll without making reference to the House.

There remains the question whether any Government can bind a subsequent Government. I would submit that the present Government should agree to the demand of the House that the rates should not exceed to those fixed at present. The future Government can set up a constitution.

PANDIT JIA LAL KILAM: My learned friend has got a misunderstanding.

MR. NOHAMMED AFZAL BEG: Who Sir?

PANDIT JIA LAL KILAM: Mr. Beg, Sir. My learned friend has a misunderstanding. He does not draw distinction between constitution and law. The constitution of the Government is contained in Regulation No. 1 of 1991. Section 39 of this Regulation clearly lays down that "Before any new tax or duty is imposed or the rate of any existing tax or duty is altered by any ordinace, Regulation, the Council shall cause a copy of such Regulation, ordinance or Rule to be supplied to each member of the Praja Sabha and the President shall allot a day or days for the conside ration of such proposals in the Praja Sabha and any member may then move any resolution on the proposals or ask any question regarding them and such tax or duty shall not be imposed or altered until the Council has taken into consideration any resolution regarding it which may have been passed by a majority of votes in the Praja Sabha." Therefore my humble submission is that the hon'ble member should know that if the Government wants to change or enhance the rate that is provided in this schedule, it is incumbent upon the Government under the constitution to bring, to place such proposals before the House for consideration and the resolutions can be moved and questions can be asked about the change sought to be made and as such the fear of my hon'ble friend is imaginary and unfounded and the sooner he banishes this idea from mind the better for him.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Mirza Mohammed Afzal Beg's resolution seeking to add a proviso to Section 3, to the effect that the rates shall not exceed those laid down in the schedule, is now before the House.

Those who are in favour of the resolution will raise their hands.

(Hands raised)

Those who are against the resolution will also raise their hands.

(Hands raised)

The resolution is lost by majority of votes

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Mirza Mohammed Afzal Beg will now move his second resolution :—

This Praja Sabha recommends to the Government that in Section 3 sub-section (*iii*) for the words "from the date of publication or from such other date as may be specified in this behalf," the words "after one month from the date of publication or from the date specified in this behalf (provided the latter date shall not be within one month of the publication)" be substituted.

Sir, my second amendment pertains to Section 3, which is worded as :—

"The power to annul or alter the rates vested in the Government under the foregoing provision of this section may be exercised from time to time after the previous publication of the changes which the Government may deem necessary to make. The changes shall from the date of publication or from such date as may be specified in this behalf have the same force and affect as if they had been contained in the first schedule."

According to the last part of this sub-section, the revised rates shall be enforced soon after their publication in the Government Gazette, and shall have statutory effect immediately. It is essential that the public and the tax-payers should be aware of the alteration beforehand. Hence my amendment that the rates should be enforced one month after their publication in the Government Gazette so that the tax-payers be informed beforehand. Without going into any details I would only submit that the tax-payers should be informed beforehand. I will therefore request the House to vote for my amendment.

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN : Sir, we accept the amendment subject to change of language.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR : You accept the substance of it.

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN : Yes.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Mr. Beg will move his third amendment now which is :—

"This Praja Sabha recommends to the Council that in Section 8 sub-section (1) the words "two times" be substituted for the words "five times" and the words "or hundred rupees whichever be greater" occurring in the same sub-section be deleted.

MR. MOHAMMED AFZAL BEG : Sir, my amendment pertains to Section 8, sub-section (1) which is worded as :—

"Whoever transships, abets or attempts shall be liablet o a fine which may extend to five times the amount of actual toll leviable or hundred rupees whichever be greater."

My amendment is that under the circumstances, contemplated in the said sub-section, the defaulters hould be liable to pay "two times" the amount of the toll and not "five times".

SHEIKH MOHAMMED AMIN: I support the amendment.

SARDAR DHIAN SINGH: I support it further.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: Sir, I cannot help opposing this resolution on behalf of the Government. Provision has been made for this fine as a punishment for the offence. If the punishment is mild, people will feel tempted to defy the law. The law does not provide that "five times" the amount of road toll should necessarily be realized from the defaulter or that he should be fined one hundred rupees. The punishment, in each case, is detrimental by the circumstances of the case. In several cases the punishment provided in the Penal Code is imprisonment for seven years. But in each case punishment is awarded according to the circumstances of the case. The intention of the section is that the maximum fine to be imposed shall be hundred rupees or " five times" the amount of the actual road toll It is not necessary that every defaulter should be subjected to the maximum, penalty. If a person commits this offence, through an oversight he may be charged a smaller fine, but if the principle of the amendment is accepted, the whole of Penal Code shall have to be revised.

MR. MOHAMMED AFZAL BEG: Sir, there is no denying the fact that this is a punishment for an offence. But there should be some proportion between an offence and the punishment provided for it. The punishment should be mild, where the offence is a trifling one. The Hon'ble Judicial Minister has not made it clear whether charging "five times" the amount of road toll would be proportionate to the seriousness of an offence of this nature. I have stated a principle on which I have based my amendment that the words "five times" be replaced by the words "two times". There are, unfortunately, some officers in this State who do not exercise their powers in accordance with the intention of the law. The Government would, therefore, be well advised to curtail their powers so that the law may be enforced without subjecting the people to any undue inconvenience or oppression. Seeing that these powers have been vested in the Customs Officers, who have no legal experience, we find it all the more necessary that the punishment should be reduced.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Mr. Beg's resolution is:—

"This Praja Sabha recommends the Government that in Section 8, sub-section (1) the words "two times" be substituted for the words "five times" and the words "or hundredr upees whichever be greater "occurring in the same sub-section be deleted."

Those who are in favour of the amendment may raise their hands.

(Hands raised)

Those who are against the amendment may raise their hands.

(Hands raised)

The resolution is lost by a majority of votes.

MR. PRESIDENT (The Hon'ble Mr Justice K. L. Kichlu) : Mr. Beg will move his fourth resolution.

MIRZA MOHAMMED AFZAL BEG : Sir the resolution is :—

"This Praja Sabha recommends to the Government that in Section 9, the words "one month" and "fifty rupees" be substituted for the words "six months" and "one thousand rupees" respectively".

The amendment pertains to Section 9 and I have proposed that the punishment be reduced from six months' imprisonment to one month's imprisonment and the fine from one thousand to fifty rupees. As the punishment is quite out of proportion to the gravity of the offence, I have therefore proposed a reduction in it.

THE HON'BLE SIR LAL GOPAL MUKERJI KT : Sir, this section is also based on the principle, to which I referred when I spoke on the last amendment. The only difference, that we find, is that the nature of this offence is more grave. This punishment has been provided for person who might interfere with any Toll Officer in the discharge of his duties or obstruct him in the collection of the tolls. Sir, you are aware of the fact that even in the Penal Code there are Sections, which make provision for severe punishment for any person, who might obstruct a Government servant in the discharge of his duties. My friend should know that this measure does not go beyond that. On reading this section, it cannot be inferred that the offender should be awarded the maximum penalty. Every case has to be considered on its own merits and punishment is awarded accordingly.

PANDIT AMAR NATH PURBI : Sir, in inviting your attention to the resolution of the hon'ble member, I would like to submit that he wants a reduction in the punishment, provided in Section 9.

His demand is not reasonable, because a reference to Section 10 shows that if a Toll Officer practises fraud in the collection of land-revenue or injures the toll revenue or abets such injury, the punishment provided for him is much more than that provided for an offence under Section 9, the punishment to be awarded to such officer is imprisonment for 'two years' instead of 'six months' as in the other case. If we compare both the offences as also the punishment provided for them, my friends will admit that the

punishment under Section 9 is very mild. In my opinion the punishment corresponds with that laid down in the Customs Regulation, wherein it has existed from the Samvat year 1957 and we should therefore have no grievance about it. Therefore there seems no reason for any abatement in the punishment provided under Section 9 Owing to these reasons, I do not consider any reduction in the punishment proper.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) Mr. Beg's resolution is

"This Praja Sabha recommends to the Government that in Section 9, the words "one month" and "fifty rupees" be substituted for the words "six months" and "one thousand rupees" respectively".

Those who are in favour of the resolution will raise their hands.

(Hands were raised)

Those who are against the resolution will also raise their hands.

(Hands were raised)

The resolution is lost by a majority of votes.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L Kichlu) : Mirza Mohammed Afzal Beg will now move his fifth resolution, namely—

"This Praja Sabha recommends to the Government that in Section 14 for the words 'Inspector of Customs exercising powers under this Regulation" the words "Magistrate of the first class" be substituted and for the words "that Inspector of Customs" the words "said Magistrate" be substituted and for the words "the Inspector General of Customs exercising jurisdiction under the provisions of this Regulation or by such other officer as the Government may appoint in this behalf" the words "the District and Sessions Judge of the Province" be substituted

MIRZA MOHAMMED AFZAL BEG : With regard to this amendment, I would submit, Sir, that the powers invested in the Customs officers namely the Inspectors of Customs to punish officers under Section 8 should in their place be invested in first class Magistrates. Section 13 provides that the offences of evasion of tolls upto Rs. 25 shall be triable by the officer-in-charge of a toll-gate or station. All other offences shall be tried either by a Magistrate having jurisdiction in the local limits of the place in which a toll-gate or a station is situate or by Inspectors of Customs exercising powers under this Regulation.

Section 14 gives a right of appeal. The section runs as this :—

"Any person aggrieved of an order passed by an officer-in-scharge of a toll-gate or station may appeal against such order to

the Inspector of Customs exercising power under this Regulation and the order passed by that Inspector of Customs may be revised by the Inspector General of Customs exercising jurisdiction under the provisions of this Regulation or by such other officer as the Government may appoint in this behalf".

As regards this Section 14, which makes provision for appeals my suggestion is that the power to hear appeals should be invested in first class Magistrate in place of the Customs officers. The House is fully aware of the reasons, that are commonly advanced for investing the Magistrates with powers to hear such cases, and I do not feel myself called upon to throw more light on the matter. The House has been clamouring about it even before. The hon'ble members will themselves see what Magistrates should be invested with these powers. I have mentioned it in detail in my amendment.

MIAN QURBAN AHMED : I support the amendment.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : Sir, under the provisions of the Road Toll Bill, the Road Toll Officers are competent to award punishment to the offenders. Appeals against their orders lie to the Inspector of Customs, whose orders are again liable to revision by the Inspector General of Customs. My hon'ble friend has now proposed that these powers should be vested in first class Magistrates instead of the Inspectors of Customs and the revision should be to the District and Sessions Judge. I agree with him fully. The appeals as proposed by him, will not lie to the Inspectors of Customs but will be heard by first class Magistrates. The Government are in agreement with this proposal and we are prepared to incorporate the words of this amendment in the law, on the condition that there shall be no revision in that case. These are petty matters and when decided by a first class Magistrate there need be no revision by the Sessions Judge. Besides, the Sessions Judges are over-worked. These petty matters shall therefore be heard by first class Magistrates and the proceedings shall end there.

PANDIT AMAR NATH KAK: You cannot stop a revision under the Code of Criminal Procedure. Unless you amend the particular provisions of the Criminal Procedure Code, revision would lie.

MIRZA MOHAMMED AFZAL BEG : There is some provision about it.

THE HON'BLE SIR LAL GOPAL MUKERJI KT : We should delete that. But if a person has got some power under the Criminal Procedure Code and he is legally authorised to file a revision petition, he may go up to the High Court.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Do you agree ?

MIRZA MOHAMMED AFZAL BEG : I agree, Sir.

MR PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : (To Mr. Beg) Will you withdraw the last words of your amendment, namely :—

Substitute the words "the District and Sessions Judge of the Province" for the words "Inspector General of Customs", as the remaining resolution has been accepted.

MIRZA MOHAMMED AFZAL BEG : Alright, Sir

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The resolution has been accepted by the Government in part, the basic principle having been agreed to. The rest has therefore been withdrawn.

PANDIT AMAR NATH KAK : Sir, the point of order, that I want to raise is that the Hon'ble Judicial Minister and Mr. Beg have raised that a first class Magistrate wields appellate powers by virtue of his being a first class Magistrate. Appeals against the decision of a Sub-divisional Magistrate lies to the Additional District Magistrate in Criminal cases. Separate provision shall therefore have to be made for the appellate power of a first class Magistrate. There is no such provision in the Criminal Procedure Code. As there is a likelihood of a misunderstanding, hence the necessity of this explanation.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The last resolution will be moved now. The resolution is :-

"This Praja Sabha recommends to the Government that the following amendments be made in schedule (1) :

				Rs.	a.	p.		Rs.	a.	p.
Item	No.	1,	substitute	0	8	0	for	1	0	0
,,	,,	3	,,	0	6	0	,,	0	8	0
,,	,,	6	,,	2	0	0	,	3	0	0
,,	,,	7	,,	3	0	0	,,	5	0	0
,,	,,	14	,,	15	0	0	,,	22	0	0

,, ,, 10, substitute the words "four passengers" for the words "three passengers".

SHEIKH MOHAMMED AMIN : I will move it, Sir.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Yes, you can do it, because the resolution stands in your name and that of Mr. Beg. Any of you can therefore move it.

SHEIKH MOHAMMED AMIN : Sir, the resolution regarding alterations in the rates of road toll, as fixed by this bill, which is now before the House is so important that it has caused a sensation among the public, especially the traders. Now here in India do we find a parallel to the heavy rates of toll charged by the Kashmir Government. The rate of one rupee in the beginning which was later raised to Rs. 5 and then abruptly to Rs. 30. As a matter of fact, the rate should have been enhanced gradual-

ly and should have kept pace with the progress of trade. I submit, Sir, that the greater difficulty which discourages trade in Kashmir is that of road toll. At present a lorry carrying a load of forty or forty-five maunds has to pay forty-two or forty-three rupees by way of road toll alone. You can realize, Sir that this being a very heavy rate is unbearable. In other countries the general rule is that if a lorry or some other conveyance goes with a load and returns empty, no toll is charged for the return journey. Things are different in this State. A lorry, whether loaded or not has to pay the toll as soon as it crosses the Toll-bar. This happens, particularly, in summer when visitors go to Kashmir and lorries have, generally to return empty but have yet to pay forty-two, forty-three rupees as road-toll per trip. As this burden has to be borne by the passengers, the inevitable result is that people from India give up the idea of coming to Kashmir. In other words, the heavy rates of road-toll stand in the way of the visitors intending to come to Kashmir.

It may be stated that the Government have reduced the road-toll by 25 per cent. last year, and further reduction is therefore undesirable at present. I should submit, Sir, that when the toll was raised suddenly from five to thirty rupees, it was never thought whether it was reasonable to enhance it to six times the previous rate. Therefore the fact that the toll has been reduced by 25 per cent. does not render the demand for further reduction unreasonable. Besides, the rate has been reduced in the case of lorries and motor cars alone and not in the case of conveyance used by the poor, for instance bullock carts, mules etc. These conveyance which are used by the poor, have been ignored altogether in spite of the fact that the poor cannot bear the burden of taxes and it is they who feel it most. A study of the present rates of road-toll shows that the toll has not at all been reduced in the case of vehicles used by the poor. I have generally observed that the owners of bullock carts maintain an account of the toll they pay in a rough copy book. They pay the toll as many times as they cross the Toll-bar. I would request the Government to do justice in this case. As they have reduced the road-toll on lorries and cars by 25 per cent. is it not reasonable that they should reduce the road-toll on these carts also which are a means of livelihood to many a man? The present rates of road-toll are very heavy and the Government should always reduce such taxes. They should take a liberal view in this case. If the Government think that a reduction in the toll will cause loss of revenue, I would submit that it will not be so. It will, on the other hand, increase the revenue.

As I have already stated, the present rates of road-toll deter the visitors from coming to Kashmir. Any reduction in the rate

will increase their number and will naturally increase the revenue of the State. Past experience has established the fact that a reduction in road-toll increases the number of visitors and helps trade. I hope that the Government will incur no less but will reap double and even treble profit. Trade will also be encouraged. This bar should therefore be removed.

With these words I commend the resolution to the House and hope that if the hon'ble members are really anxious for some betterment in the country and wish to remove the difficulties of the people, they will support the resolution and pass it.

KHAWAJA SAIF-UD-DIN SHAH : I support the resolution.

MR. AMAR NATH PURBI : Sir, I want to say something about this resolution. As stated by Sahibzada Sahib, Government appointed a Committee in the year 1936 to examine in detail the necessity of a reduction in the rates of road-toll. The Committee submitted its report to the Government who passed orders that the toll be reduced by 25 per cent. It is hardly a year now that the reduction eas been effected This has reduced the revenue from road-toll by two and a balf lakhs. If my friend, who relies very much on presumptions, had properly thought over the resolution he would hnever have moved it. The proposal would have been tenable, if the loss of two and a half lakhs in the road-toll caused to the Government were counter-balanced by a profit of five lakhs to trade or other interests, or if some other means were suggested which would bring the Government a revenue of three lakhs. In that case nobody would have opposed him

The resolution, moved by the hon'ble member proposes a road-toll of eight annas for a camel, which carries a load of six maunds and six annas for bullocks, buffaloes and mules which carry one and a half maund. This shows that the hon'ble member has not given any special consideration to the resolution moved by him, nor has he studied it properly I think the resolution has been moved without any fore-thought and is premature.

Resolutions, like the present one, which have been discussed in this House were considered by the Committee (already referred to) and recommendations regarding reduction in the road-toll were submitted to the Government after careful consideration. Orders have already been passed about it and the result is known neither to the Government nor to the hon'ble mover.

It is a matter of principle that so long as the result of the irst experiment is not known, money should not be wasted on further experiments. The Government have already foregone a revenue of two and a half lakhs by way of experiment and so long fas they are not assured that this has benefited the people and so long as they cannot hope to get a profit of ten lakhs by foregoing two and a half lakhs they cannot accept such resolutions. It would

be very bad to do that. It will affect the Government exchequer and it will, in that case, be difficult to provide funds for hospitals, schools and other benificent departments. Therefore I oppose this amendment.

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN: Sir, my friend Mr. Purbi has spoken at length on this resolution and I do not think that I should say more about it. The only point I want to stress that the road-toll on motor cars taxes the rich and not the poor. The burden of the toll on lorries does not fall on one person but on passengers equally. The more the number of passengers travelling in a lorry, the larger the amount recovered by way of road-toll. Any way, the Government is not prepared to make any further reduction at present. It is hardly a year now that the rates of road-toll were reduced. The matter shall, God willing, be considered and discussed next year. For the present, the hon'ble member may withdraw it.

SHEIKH MOHAMMED AMIN: Sir, when Mr. Purbi stood to speak, I felt sure that he would support my resolution. I was astonished to find him opposing it. So far as I remember, in a discussion that we had in the Tariff Board, Mr. Purbi told me that I should not lay much stress on a reduction in the customs duty. He promised me his support as President Chamber of Commerce, in the matter of reduction of road-toll.

VOICE: It was wrong of you to say that.

MR. AMAR NATH PURBI: Point of order, Sir. Is the member competent to disclose the discussion of the proceedings of a meeting held confidentially ?

MR. MOHAMMED AFZAL BEG: Only the proceedings of a Standing Committee are not to be disclosed and there is no prohibition for the member whatsoever to refer to the proceedings of any other meeting and if the hon'ble member has any point of law in support of the point of order raised, he must come forward with that.

MR. AMAR NATH PURBI: Was that a Standing Committee or a Sitting Committee ?

MR. MOHAMMED AFZAL BEG: That was a Standing Committee and the general rule is that the proceedings of a Standing Committee are not to be disclosed.

SHEIKH MOHAMMED AMIN: I was surprized to hear Mr. Purbi's speech. Though a member of the Kashmir Trade Association and President of the Chamber of Commerce, he took a view which is in direct conflict with his interests. I thought he would support me and rightly represent the cause of the Chamber of Commerce on the presidency of which he takes pride. On the other hand he joined others in advancing arguments, which will prove detrimental to commercial interests. He has probably forgotten the

proposal that he prepared when he agreed to support me in demanding a reduction in the road-toll.

Sir, it has been stated that the revenue from road-toll has decreased. It is not due to any special cause. A study of the figures in the Agricultural and the Trade Reports shows that very little fruit was produced in Kashmir last year, with the result that revenue from road-toll went down.

MR. AMAR NATH PURBI : Question.

SHEIKH MOHAMMED AMIN : Sir, you might perhaps have last year's list of visitors with you. It shows that the number of visitors to Kashmir was much longer last year than that of the preceding year. It was due to low fares, made possible by a reduction in the road-toll. The rates were so low that a passenger could get a return ticket for Lahore in Rs. 7-12-0 Further reduction in road-toll will result in still lower rates and the number of visitors will go up. The loss on the one hand will be counterbalanced by a gain on the other. I submit Sir that the resolution may be put to vote.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Sheikh Mohammed Amin has moved the resolution :—

"This Praja Sabha recommends to the Government that the following amendments be made in schedule (1) :—

Item No. 1, substitute Re. 0-8-0 for Re. 1-0-0.
Item No. 3 ,, Re. 0-6-0 for Re. 0-8-0.
Item No. 6 ,, Rs. 2-0-0 for Rs. 3-0-0.
Item No. 7 ,, Rs. 3-0-0 for Rs. 5-0-0.
Item No. 14 ,, Rs. 15-0-0 for Rs. 22-0-0.
Item No. 10, substitute the words "four passengers" for the words "three passengers".

Those who are in favour of the resolution will raise their hands.

(Hands raised)

The majority being against motion, it is rejected.

SHEIKH MOHAMMED AMIN : Votes may be taken by division.

NOTE.—The House divided as under :—

AYES ... 18	NOES ... 36
1. Colonel Abdul Rahman Khan.	1. Dewan Bahadur N. Gopala Swami Ayyanger.
2. Chaudhri Abdullah Khan.	2. Major General Nawab Khusru Jang.
3. Mirza M. A. Beg.	3. Sir Lal Gopal Mukerji.
4. Subedar Khan Mohammed Khan.	4. Sahibzada Sir Abdus Samad Khan.
5. Haji Ahmedullah Shahdad.	5. Rai Bahadur Pandit R. C. Kak.
6. Khawaja Ali Mohammed.	
7. Mian Qurban Ahmed.	

8. Sheikh Mohammed Amin.
9. Khawaja Ghulam Hussain Malik.
10. Agha Syed Hussain Shah Jalali.
11. Khawaja Saif-ud-Din Shah
12. Khawaja Akbar Dar.
13. Sardar Dhian Singh.
14. Sardar Kanhaya Singh.
15. Lala Amar Nath Kohli
16. Wazir Ganga Ram.
17. Pandit Ram Chandra Dobey.
18. Mr. Jagat Ram Aryan.

6. Khan Bahadur Raja Mohammed Afzal Khan.
7. Pandit Ram Nath Sharma.
8. Khawaja Ghulam Ahmed Ashai.
9. Wazir Feroz Chand.
10. Mr Hira Singh.
11. Rai Bahadur Pandit Amar Nath Purbi.
12. Babu Ram Dass.
13. Rao Bahadur Thakur Kartar Singhji.
14. Khan Bahadur Thakur Aga Syed Hussain.
15. Wazir Tej Ram.
16. Pandit Lok Nath Sharma.
17. Rai Ghulam Hussain.
18. Pandit Sham Sunder Lal Dhar.
19. Colonel Sansar Singhji.
20. Sardar Mal Singh.
21. Sheikh Abdul Hamid.
22. Pandit Ram Chandra Razdan.
23. Khan Sahib Mirza Ghulam Mustafa.
24. Major Thakur Prem Singh.
25 Risaldar Major Sadhu Singh.
26. Choudhri Abbas Ali Zaildar.
27. Munshi Asadullah.
28. Khawaja Ghulam Mohi-ud-Din.
29. Sardar Hari Singh.
30. Sultan Feroz-ud-Din Khan.
31. Bakhshi Moti Ram.
32. Khawaja Safder Ali.
33. Khawaja Abdur Rahim Bande.
34. Lala Ram Lal.
35. Yebgo Iftikhar Ali.
36. Wajid Ali Shah.

The House adjourned to Thursday the 29th March 1938.

THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)

VOLUME VIII

9TH DAY

(29th March 1938)

NON-OFFICIAL RESOLUTIONS

EIGHTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



JAMMU ,

Printed at The Ranbir Government Press—20-4-95—150.

1938.

Jammu and Kashmir Praja Sabha

President :

THE HON'BLE MR. JUSTICE K. L. KICHLU,
RAI BAHADUR.

Secretary:

PANDIT HIRANAND RAINA, B. SC., LL. B.

Assistant Secretary:

MR. MOHD. NASIR-UD-DIN KHAN, B. A., LL. B.

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JAMMU AND KASHMIR PRAJA SABHA.

MARCH—APRIL JAMMU SESSION 1938.

Tuesday, the *29th March 1938.*
16th Chet 1994.

The Praja Sabha met in the Praja Sabha Chambers at Ajaibghar at Eleven of the Clock.

MR. President (The Hon'ble Mr. Justice K L. Kichlu) in the Chair.

QUESTIONS AND ANSWERS.

505. MIAN QURBAN AHMED : Will the Hon'ble Home Minister please supply a statement showing the transfers made by Colonel Baldev Singh when he was transferred to Kashmir.

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister) : 134 transfers were made.

506. MIAN QURBAN AHMED : (*a*) Will Hon'ble Home Minister please state whether Pandit Madho Lal, Court Inspector, did not complain to Colonel Baldev Singh against Pandit Ram Chand Sub-Inspector stating that the latter had abused him in the presence of the witnesses and though he was a subordinate he was most insolent to his officer ? What action did Colonel Baldev Singh take in this matter ?

PANDIT RAM NATH SHARMA : No complaint was made to Colonel Baldev Singh.

507. MIAN QURBAN AHMED : (*a*) Is it a fact that at the time of the last Durbar move Colonel Baldev Singh some how or other reached Jammu with the Durbar ?

(*b*) Is it also afact that having received the information of his secret arrival here the Minister-in-charge C. I. A. had served a few hours, notice to Colonel Baldev Singh ordering him to leave the place at once ?

(*c*) Did Government take any action in the matter ? If not, why ?

PANDIT RAM NATH SHARMA : (*a*) Yes. He came on casual leave.

(*b*) No.

(*c*) No. See answer to (*a*).

508. MIAN QURBAN AHMED : Will the Hon'ble Home

Minister please place on the table a statement showing the number of posts of Chief Medical Officers, Assistant Surgeons and Sub-Assistant Surgeons and Compounders which have fallen vacant during last year and the number of Muslims and non-Muslims who have been appointed on these posts ? How many of these are temporary and how many permanent ?

PANDIT RAM NATH SHARMA : The required information is given below. The figures have been given for Samvat year 1993-94 :- .

Chief Medical Officers.—One vacancy in the cadre of Chief Medical Officers occurred during 1993-94 owing to Dr. Bhalla's proceeding on leave preparatory to retirement. A non-Muslim Assistant Surgeon was appointed to officiate in his place.

Assistant Surgeons, Sub-Assistant Surgeons and Compounders.

	Muslims.	Non-Muslims.
Assistant Surgeons ...	.....	2
Sub-Assistant Surgeons	.....	8
Componnders ...	7	5

All the appointments made are permanent.

No Muslim Sub-Assistant Surgeon candidate was available.

MIAN QURBAN AHMED : Was there no other doctor senior to the newly appointed Chief Medical Officer ? Was not doctor Nur Hussain senior to him ?

PANDIT RAM NATH SHARMA : Such posts are filled by selection.

509. MIAN QURBAN AHMED : Will Hon'ble Revenue Minister please place on the table a statement showing the number of vacancies of Qanungoes, Patwaries and Wazifakhars which have been filled in Kathua District last year ? What is the number of Muslims and non-Muslims temporary and permanent hands amongst those appointed there ?

K. B. RAJA MOHAMMAD AFZAL KHAN (On behalf of the Hon'ble Revenue Minister) : *1st part.*—Five posts of Girdawars and Patwaries fell vacant in the Kathua District during last year. No vacancy occurred amongst Wazifakhars.

	Muslims.	Non-Muslims.
2nd part—	nil	5

It may be mentioned that communal representation is kept in view for the Province as a whole and not Tehsil-war or Zillawar. In all, 36 vacancies occurred in the Jammu Province during last year. 18 were filled up by Muslims and 18 by non-Muslims.

MIAN QURBAN AHMED : Reply to the last portion of my question has not been given. The question was how many of them are temporary and how many permanent ?

K. B. RAJA MOHAMMED AFZAL KHAN : We have replied to the question, we received. I think both are included in it.

MIAN QURBAN AHMED : This is your opinion. My question is whether out of these five persons there was any Muslim who was recommended by the Wazir-i-Wazarat ?

K. B. RAJA MOHAMMED AFZAL KHAN : This is a new question. It requires notice

MIAN QURBAN AHMED : This arises out of this question.

K. B. RAJA MOHAMMED AFZAL KHAN : The question of the recommendation of Wazir-i-Wazarat does not arise out of it. This is a new question.

510. MIRZA MOHAMMAD AFZAL BEG : Is it a fact that the inhabitants of Shangus and Doru (Anantnag) demanded the opening of a Girls school in those places ? If the reply be in the affirmative, it may then be stated what action has been taken on their applications ?

PANDIT RAM NATH SHARMA : Yes. The matter is receiving attention and their application is under consideration.

511 MAJOR MIRZA ATTA MOHAMMED KHAN : (*a*) Will the Hon'ble Revenue Minister with reference to question Serial No. 450 Q. D. No. 675 asked in a meeting of the Praja Sabha on 20th October 1936, please state if it is a fact that under the orders of Mr. V. N. Mehta, the Hon'ble Revenue Minister the Overseer of Reasi District conducted a survey of the repairs of Kuhls in Tehsil Rajouri ?

K. B. RAJA MOHAMMED AFZAL KHAN: Yes.

MAJOR MIRZA ATTA MOHAMMED KHAN: Will some steps be taken for repairing the Kuhl ?

K. B. RAJA MOHAMMED AFZAL KHAN: This matter is under consideration.

512. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) Will the Government please state if it is a fact that a sum of Rs. 1,800 was sanctioned in the budget for the repairs of the main road Serai Aliabad situate on the Pirpanjal-Shopian Kashmir ?

(*b*) If the answer to (*a*) be in the affirmative, will it be stated whether the Serai Aliabad has been thoroughly

repaired? Will a list of the repairs carried out be placed on the table?

PANDIT RAM NATH SHARMA: (*a*) A sum of Rs. 1,708 was sanctioned for repairs to the Serai in the year 1993-94.

(*b*) The Serai has been repaired to the extent of the grant sanctioned. The detail of repairs carried out is being called for from the Divisional Engineer.

513. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) Are the Government aware that a large number of cases of abduction of women is occurring in District Reasi?

(*b*) Is it a fact that the cases of abduction occur on account of the fact that the offence is not cognizable?

(*c*) Is it a fact that the Government have been informed of acceding to this demand of the people through every Police Station? If it is fact, what are the reasons for not taking any action in this matter?

(*d*) If the reply to parts (*a*) and (*c*) be in the affirmative, will Government please consider the matter?

PANDIT RAM NATH SHARMA: (*a*) The number of abduction cases in the Reasi District is not large.

(*b*) The offence of abduction is cognizable.

(*c*) Does not arise.

(*d*) Does not arise.

MAJOR MIRZA ATTA MOHAMMED KHAN: How have you come to know that the number of abduction cases is not large in the Reasi District?

PANDIT RAM NATH SHARMA: By means of statistics.

MAJOR MIRZA ATTA MOHAMMED KHAN: Will you please supply those statistics?

PANDIT RAM NATH SHARMA: It has been stated that the number of abduction cases is not large in Reasi District.

MAJOR MIRZA ATTA MOHAMMED KHAN: Has the police power to institute preliminary proceedings?

PANDIT RAM NATH SHARMA: This is a new question.

MAJOR MIRZA ATTA MOHAMMED KHAN: This is not a new question. I want to enquire whether if a report is given to the police about such cases will it take any action on it?

PANDIT RAM NATH SHARMA: Yes, certainly.

LALA RAM LAL VAKIL: It has been stated about the offence of abduction that it is a cognizable offence, I want to know how is it so? This offence comes under Section 498?

PANDIT RAM NATH SHARMA: It is Section 366 and not Section 498. That is not abduction.

PANDIT AMAR NATH KAK: That is enticing away a married woman.

514. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) Are Government aware that the Alienation of Land Regulation No. 6 is in force with effect from 1st Katik 1990 inspite of the fact that it is an amendment of previous Regulation?

(*b*) Under these circumstances, is it not necessary to enforce this Regulation from the date of the enforcement of the previous Regulation?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) *1st part.*—Yes.

2nd part.—This Regulation not only amends but repeals altogether the previous law on the subject.

(*b*) No.

515. MAJOR MIRZA ATTA MOHAMMED KHAN: (*a*) Is it a fact that a labourer or a zamindar can bring into the State goods worth Rs. 25 free of duty?

(*b*) If the answer to part (*a*) be in the affirmative, then it may please be stated if duty is charged from the zamindars or the labourers on small V. P. parcels containing goods for domestic use?

(*c*) If the answer to part above be in the affirmative, then, will Government exempt such parcels from duty? If not, why?

PANDIT RAM NATH SHARMA: (*a*) Yes. A person (be he a zamindar or a non-zamindar) can bring into the State free of duty goods upto Rs. 25 within the definition of "Personal luggage", on his return from places outside the State if he goes there to earn his livelihood as a labourer.

(*b*) Yes.

(*c*) No, as the goods imported by post do not fall within the definition of "Personal luggage".

516. NOTE.—As Subedar Khan Mohammed Khan was not present in the Hall hence this question lapsed.

517. SARDAR HARI SINGH: Will Government please state the total number of Co-operative Societies in Tehsil Akhnoor? What is the total amount of their liabilities in the shape of principal and interest which have exceeded the stipulated period within which they promised to pay it up? How many of these societies are such as have not paid any amount towards the principal or interest during the last three years and how many of them are such as have not paid any amount towards the principal or interest accrued thereon during the last five years?

K. B. RAJA MOHAMMED AFZAL KHAN:—

Total No. of Societies.	Total liabilities upto 31st Bhadon 1994.	Principal.	Interest.
	Rs.	Rs	Rs.
122	1,59,526	1,28,327	31,199

2nd part.—The No. of societies which have not paid any amount towards principal during 3 years is 208 and which have not paid any interest is 13 ; while the No. of societies which have not paid during the last 5 years any amount towards principal is 376 and which have not paid interest is 29.

SARDAR HARI SINGH: Sir, first you have stated that the total number of societies is 122 and again you have said that the number of societies which have not paid any amount towards principal during three years is 208 and of those which have not paid during the last five years any amount towards principal 376. I want to enquire that as the total number of societies is 122 how it has come to number 376?

K. B. RAJA MOHAMMED AFZAL KHAN: Perhaps this number is of the whole province.

SARDAR HARI SINGH: But please see my question.

K B. RAJA MOHAMMED AFZAL KHAN: Yes. It is by mistake that the number of the whole province has been given. The number of societies in Tehsil Akhnoor is 122.

SARDAR HARI SINGH: My question was what is the amount of interest which is due to these societies and which has exceeded the stipulated period in which they promised to pay it? Has this whole amount exceeded the stipulated period?

K. B. RAJA MOHAMMED AFZAL KHAN: Reply to this question has already been given.

LALA HANS RAJ: There might be some mistake in it.

SARDAR KANHAYA SINGH: Then does it not mean that the replies which are given are quite different from the questions.

K. B. RAJA MOHAMMED AFZAL KHAN: I think the head of the department did not fully understand the question.

LALA HANS RAJ: This is an interesting question because a big amount is standing against the societies. Will the reply to this question be given tomorrow?

PANDIT GOVIND RAM KABU: Will it please be stated which Minister is incharge of Co-operative Department?

K. B. RAJA MOHAMMED AFZAL KHAN : It is under the Hon'ble Revenue Minister.

518. LALA RAM LAL VAKIL : (*a*) It may please be stated what was the total area of land washed away, owing to floods in the river Poonch, from 1984 to 1993; what was the value of the land so washed away ?

(*b*) If the reply to part (*a*) be in the affirmative, will it be stated whether the Poonch administration is prepared to train the river Poonch now ? If it is prepared to do so, how long will it take ? If not, why ?

WAZIR FEROZ CHAND (Wazir Poonch) : (*a*) 1,087 acres of land valuing about four lacs of rupees were washed away owing to floods in the Poonch river from 1984 to 1993.

Measures have been taken from time to time for the last 28 years by constructing bunds etc. at various places in order to divert the course of the river and they served the purpose to some extent. The training works involve a very huge expenditure, which it is impossible for the administration to undertake for the present.

In view of the above, the last part of the question does not arise.

LALA RAM LAL VAKIL: May it please be stated what is the amount of expenditure on the construction of bunds ?

WAZIR FEROZ CHAND: We have not got the figures with us at this time.

LALA RAM LAL VAKIL : You have stated in your reply that 1,087 acres of land which were about 4 lakhs in value has been washed away by the floods from 1984 to 1994 and that some success was achieved in this direction by the construction of bunds on various places. But now you have stated that financial difficulties stand in the way. I want to know whether these financial difficulties stand in the ways only in works of public utility or whether they also stand in the way whenever any Government purpose is to be achieved.

THE HON'BLE SIR LAL GOPAL MUKERJI KT : Sir he suggests that the answer given by my friend is false.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): The reply has been given. You cannot say that the reply is wrong.

LALA RAM LAL VAKIL: But, Sir, I request your Lordship to decide whether the reply is right or wrong.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): He has given the reply which he was possessed of.

519. LALA RAM LAL VAKIL: (*a*) Is it a fact that Munshi Balmukand, stamp clerk in the Poonch Treasury, was drawing Rs. 20? Is it also a fact that the post was brought under reduction and he was discharged from service?

(*b*) If the reply to part (*a*) be in the affirmative, it may be stated whether the post of the stamp clerk has been created again and a Muslim appointed to it?

(*c*) If the reply to part (*a*) be in the affirmative, it may please be stated why Balmukand has not been re-appointed to his post? The reasons may be stated in detail It may also be stated why he has now been appointed on Rs. 110? The reasons for his degradation may also be stated?

WAZIR FEROZ CHAND: (*a*) Yes.

(*b*) Yes.

(*c*) Balmukand was appointed as a teacher when the post of stamp clerk was brought under reduction. The man could have therefore no claim to the post when it was revived after nearly two years. The post as created was kept in the English cadre to which a matriculate only could be appointed. Balmukand was not a matriculate. He was not degraded but got less pay as a result of retrenchment.

LALA RAM LAL VAKIL: Why was he removed from the post carrying twenty rupees and appointed on a post carrying eleven rupees only?

PANDIT GOVIND RAM KABU: Thank God that he got service?

WAZIR FEROZ CHAND: The reason has been given in the reply. The post of twenty rupees was reduced and afterwards he was appointed on a post of eleven rupees.

LALA RAM LAL VAKIL: First there was no post of English cadre. It has been created recently. Was it due to the fact that some Muslim was to be appointed on that post?

WAZIR FEROZ CHAND: This is your opinion.

520. PEER HISSAM-UD-DIN SHAH: (*a*) Is it a fact that in reply to the question put by me during the last Jammu session of the Praja Sabha held in April 1937 whether in matters regarding Poonch replies are given after they have received assent of Shri Raja Sahib, it was stated in reply to my Q. D. No. 665 that Wazir Poonch replies to these questions on behalf of Shri Raja Sahib Poonch's administration and in the last Srinagar session of the Praja Sabha held in Assuj 1994, it was stated that the assent of Shri Raja Sahib is not deemed necessary in these matters?

(*b*) It may please be stated why the assent of Shri Raja Sahib of Poonch is not necessary in giving reply to questions asked in the House by the hon'ble members of the Praja Sabha ?

WAZIR FEROZ CHAND: (*a*) Yes.

(*b*) The replies given to questions merely supply information asked. Therefore the assent of Shri Raja Sahib Bahadur is not at all necessary for doing so.

PEER HISSAM-UD-DIN SHAH: Can a demand be not accepted when put fourth in a question ?

SHEIKH ABDUL HAMID: The demands cannot be put fourth in a question.

LALA RAM LAL VAKIL: Was the reply to the question about the construction of the bridge given after obtaining the assent of Raja Sahib or the assent is to be obtained after giving the reply.

PANDIT LOK NATH SHARMA: That is cross-examination.

MR PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): The reply to the question has been given.

521. HAJI AHMEDULLAH SHAHDAD: Is any of the posts of the Inspectress and the Chief Inspectress of Schools held by a Muslim ?

PANDIT RAM NATH SHARMA: No.

522. HAJI AHMEDULLAH SHAHDAD: How many Muslims hold the posts of clerks, Head clerks and Superintendent in the offices of the Chief Inspectress and Inspectresses of Jammu and Kashmir ?

PANDIT RAM NATH SHARMA: One.

523. HAJI AHMEDULLAH SHAHDAD: What is the total number of Mistresses in Girls High, Middle and Primary schools and how many of them are Muslim and non-Muslim Mistresses and what are their qualifications ?

PANDIT RAM NATH SHARMA: The total number of Mistresses in Girls High, Middle and Primary schools is 397. Of these 178 are Muslims and non-Muslims are 219. Their qualifications vary from Primary to M. A., B. T.

524. HAJI AHMEDULLAH SHAHDAD: What are the qualifications of the Inspectress Girls Schools Kashmir Province and what is her age ?

PANDIT RAM NATH SHARMA: Her qualifications are Middle, S. V. and Gyani (Honours in Punjabee Examination). Her age is 54.

525. HAJI ABMEDULLAH SHAHDAD: (*a*) What is the number of Primary sc hools, Middle schools and High schools in Kashmir Province ?

(*b*) How many of the Head teachers are Muslim and how many non-Muslim?

(*c*) What is the number of Muslim and non-Muslim teachers there?

(*d*) If the percentage of the Muslims is not adequate what are the reasons therefor?

(*e*) If reply to parts (*a*), (*b*), (*c*) and (*d*) be in the affirmative, when will the deficiency of the Muslims be made good in accordance with the recommendations of the Glancy Commission?

PANDIT RAM NATH SHARMA: (*a*) 515.

High schools	..	5
Middle schools	...	39
Primaries	...	471
Total	...	515

(*b*) There is no separate cadre for Head teachers. A subordinate teacher may be appointed as a Head teacher in one school, and a Head teacher may be transferred as a subordinate teacher in an other school.

(*c*) 537 Muslims 639 non-Muslims.

(*d*) and (*e*) As the number and percentage of Muslims are increasing, these questions do not arise.

526. SARDAR DHIAN SINGH: (*a*) Is the Hon'ble Prime Minister aware that His Highness' subjects, visitors and the general public are being put to a lot of troubles by the boatmen at Gutalian?

(*b*) Is it a fact that some members of the Praja Sabha has brought this trouble to the notice of the Government?

(*c*) Is it also a fact that as long as lorry traffic is not allowed on the canal bank this trouble cannot be put a stop to? If the replies to the above be in the affirmative, will the Government kindly state what steps have the Government taken so far to remove this trouble of public and how long will it take to allow traffic on the canal banks so as to put an end to this trouble?

PANDIT RAM NATH SHARMA: (*a*) Yes, there is some trouble.

(*b*) Yes.

(*c*) The Punjab Government would not agree to allow lorry traffic on the canal bank and neither they agreed to the construction of a metalled road from Jatli canal bridge to the grand Trunk Road near Serai Alamgir.

SARDAR DHIAN SINGH: You have stated in your reply that Punjab Government would not agree to allow lorry tarffic on this road. How have you concluded this?

PANDIT RAM NATH SHARMA: I have stated in the reply that Punjab Government would not agree to motor-lorry traffic on the canal banks. You read the reply carefully.

SARDAR DHIAN SINGH: The copy of the reply supplied to me states that "It would not allow".

PANDIT RAM NATH SHARMA: You should consider the reply read in the House as correct.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): If there is any unnecessary word pleass strike it off

SARDAR DHIAN SINGH: I want to enquire from the Hon'ble Prime Minister that now the Punjab Government has refused. what steps will be taken to remove the trouble of the people?

PANDIT RAM NATH SHARMA: You suggest any remedy.

SARDAR DHIAN SINGH: It is in your power to remove the trouble. You have admitted in the reply that people are in trouble. I submit that they have been ruined. Do Government feel for their loss?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER: I can satisfy him. Let him put his question in English. Will you put your question in English so that I may understand it?

NOTE.—Sardar Dhian Singh repeated his question in English.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER: The whole matter is under consideration. I may say for the information of the hon'ble member that the latest move which has taken place in the matter is that we have asked the N. W. Railway to make a proper survey for the construction of railway line from Sarai Alamgir to Gutalian. We have only recently sanctioned sixteen thousand of rupees for the purpose of doing that survey. If the result of survey will show that the construction of the railway line appears to be a feasible and a cheaper proposition necessary arrangement will be made.

SARDAR DHIAN SINGH: Thanks. One question more. Will the Government kindly consider the troubles and difficulties the people have to undergo on this account?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER: I may tell you how great the anxiety of the Government is, as regards the removal of this difficulty. As early as possible that we got the request from the N. W. Railway only about four or five days ago and we have already sanctioned the amount for that survey.

527. SARDAR DHIAN SINGH: Will the Poonch Administration please state as to why the reply to my question

No. 21 of my list regarding the payment of 'Koryana' has not been given ?

(*a*) Has the 'Koryana' case been decided ? If not, will the reply to question No. 31 regarding beneficient works may please be supplied ? Will the Administration also please state the reasons for unusual delay in the disposal of this matter ?

WAZIR FEROZ CHAND : (*a*) The Praja Sabha Sad's question No. 31 was rejected by the Hon'ble President.

(*b*) The Praja Sabha Sad is referred to the reply given to Q. D. No. 268 of the current session (enclosed).

SARDAR DHIAN SINGH : I want to enquire Sir, that when a representation has been filed by Raja Sahib or Poonch Administration and the matter is sub-judice, what reasons there are for stopping the Rasoom ?

K. B. RAJA MOHAMMED AFZAL KHAN : I have no knowledge about it. Nothing more can be added to the reply already given.

SARDAR DHIAN SINGH : You cannot say that you have no knowledge. This question arises out of your reply.

K. B. RAJA MOHAMMED AFZAL KHAN : You give notice for it.

SARDAR DHIAN SINGH : Hon'ble President! this question arises out of his reply. Therefore I may be given reply to my supplementary question.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Anyhow, Government are not prepared to reply this question at this time.

SARDAR DHIAN SINGH : Will Government please state how long this matter shall remain under consideration ? When will it be decided ?

K. B. RAJA MOHAMMED AFZAL KHAN : Shortly. The matter is being considered.

SARDAR DHIAN SINGH : In every session it is said that the matter is under consideration. I do not know how long this consideration shall go on

K. B. RAJA MOHAMMED AFZAL KHAN : It will be decided shortly.

Reply to Q. D. No. 268.—The levy of Poonch Rasoom or Koryana has been stopped since 1st Baisakh 1990, and the representation of the Illaqa asking for re-imposition of the Rasoom is under consideration.

528. SARDAR DHIAN SINGH : (*a*) Is the Administration aware that people of Hill Illaqa of Mirpur District are put to inconvenience due to the absence of a dispensary there ?

(*b*) Is the Administration prepared to open a dispensary in the Illaqa Hill? If not, why?

PANDIT RAM NATH SHARMA: (*a*) and (*b*) The Government does not intend to open new dispensaries till the existing dispensaries are fully equipped.

529. SARDAR DHIAN SINGH: (*a*) Is it a fact that in the dispensary in Sri Pratap Singhpura of Mirpur District the daily attendance of patients is more than seventy?

(*b*) Is it also a fact that except a Compounder there is no nurse and the yearly grant is Rs. 350 only?

(*c*) Is the cost of instruments and diet of patients also included in the yearly grant?

(*d*) Is it also a fact that without a nurse in this dispensary the ladies are put to inconvenience?

(*e*) Is it also a fact that in some dispensaries where daily average attendance of patients is less than forty-two compounders are appointed and the yearly grant is double? If the reply to above be in the affirmative, will the Administration, in view of the requirements of Sri Pratapsinghpura dispensary, sanction the appointment of one extra compounder, a nurse and considerably increase in the yearly grant?

PANDIT RAM NATH SHARMA: (*a*) Yes

(*b*) Yes.

(*c*) The grant of Rs. 350 includes cost of instruments but not that of diet for patients.

(*d*) There are no nurses in any Mufassil Dispensaries.

(*e*) No. Does not arise.

SADAR DHIAN SINGH: is it proper that one portion of the population be looked after and the other be neglected? When dispensaries have been opened for the male population and the animals what reasons there are for not making arrangements of nurses for the female population of the Illaqa which is dying premature death?

PANDIT RAM NATH SHARMA: The nurses have been appointed in places where the number of patients is large. Because the number of patients is not large there, hence no need of a nurse.

SARDAR DHIAN SINGH: A small amount has been sanctioned for medicines and instruments and if it be presumed that half of it is spent on instruments will the remaining half be sufficient for medicines?

PANDIT RAM NATH SHARMA: It is sufficient to meet the needs of the dispensaries.

SARDAR DHIAN SINGH: It is not sufficient at all.

530. SARDAR DHIAN SINGH: (*a*) Is it a fact that in the school at village Hill, District Mirpur and schools in the

adjoining villages, the number of students is so large that there is a real necessity of a Middle school there ?

(*b*) Is it also a fact that there exists no Middle school in the adjoining Illaqa except one in Sri Pratap Singhpura ?

(*c*) Is it also a fact that this Middle school is at a distance of 6 miles from Hill and the road leading to the school is rocky and risky and thus it is impossible to travel by this road ?

If reply to the above be in the affirmative, will the Administration raise the Primary school of village Hill to the standard of a Middle school ?

PANDIT RAM NATH SHARMA: (*a*) Yes, but there are places more important than Hill where Middle schools are urgently needed.

(*b*) There are already three Middle schools in Mirpur Tehsil and one High school: --

Mirpur High school.
Samwal Middle school.
Panjeri Middle school.
Sri Pratap Singhpura Middle school.

From Baisakh 1995 one more Middle school at Potha Bausi will be epened.

(*c*) Yes

The question of raising the status of Hill Primary school to that of Middle school was placed before the Education Standing Committee, but other places were found more important. The question will again be placed before the Committee next time.

SARDAR DHIAN SINGH: Do you know that there is no Middle school near Kotha ?

PANDIT RAM NATH SHARMA: Your question pertains to what place ?

SARDAR DHIAN SINGH: There is no Middle school at Hill where the population has increased so much Why has this school been opened at Kotha ? There the population is not large and a Middle school has already been established at a small distance from that place.

K. B. RAJA MOHAMMED AFZAL KHAN: I being a resident of that place know about it. You please tell me which Middle school is there

SARDAR DHIAN SINGH: There is a school in Sri Pratap Singhpura.

K. B. RAJA MOHAMMED AFZAL KHAN: That is at a distance of twenty-five miles.

SARDAR DHIAN SINGH: There is another school.

K. B. RAJA MOHAMMED AFZAL KHAN : You tell me at what place?

SARDAR DHIAN SINGH : You have received telegrams from that place. Will this matter be considered next year. (Laughter)

NOTE.—No reply was given.

531. SARDAR KANHAYA SINGH: (*a*) Is it a fact that while Hon'ble Mr. Mehta was working as Revenue Minister, Sardar Viryam Singh Dugal, a contractor of Srinagar, submitted a acheme for supplying timber to Development Branch under the Industries Department stating that the carrying out of such scheme would provide livelihood for thousands of men ? Will the Hon'ble Minister concerned please state what practical steps were taken for carrying out such scheme, when this firm did not request any subsidy from the Government ?

(*b* Is the Industries Department prepared to take practical steps for carrying out such scheme ?

R. B. PANDIT RAM CHAND KAK : (*a*) Yes, but the scheme could not be considered as it was not worked out on commercial lines nor was the applicant earnest about it.

(*b*) On a petition from Dugal and Sons in January last, they have been told that if they will now send up a revised and up-to-date scheme afresh, it will be examined.

532 SARDAR KANHAYA SINGH : (*a*) Will the Hon'ble Prime Minister kindly state whether a white-list of the newspapers published in the State is being maintained ?

(*b*) If the reply be in the affirmative, the number and names of newspapers, which are on the white list may kindly be stated ?

(*c*) Has the Government fixed any criterion for placing papers on the white list ?

(*d*) If so that criterion may be stated.

R. B. PANDIT RAM CHAND KAK : The member is referred to the answer to Serial No. 532 (Q. D. No. 191).

SARDAR KANHAYA SINGH : Will question No. 191 be read here ?

R. B. PANDIT RAM CHAND KAK : I have not got it with me this time.

SARDAR KANHAYA SINGH : Will its reply be sent to me without further request ?

R. B. PANDIT RAM CHAND KAK : Certainly.

533. SARDAR KANHAYA SINGH : (*a*) Will Government please state the number of the "papers" in the State ?

(*b*) How many of these are published regularly and

how many irregularly? The names of these papers may kindly be stated?

(*c*) Is the regularity of a paper also a criterion for placing it on the white list?

(*d*) At the time of the inclusion of the paper in the white-list, is the fact of that paper, being the paper of a particular community also taken into consideration?

(*e*) Has the present white list been prepared after keeping in view the communal balance?

(*f*) If the reply to it be in the negative, the grounds upon which the Government framed the white list may kindly be stated.

(*g*) Do the Government want to suppress communal newspapers?

R. B. PANDIT RAM CHAND KAK: (*a*) Twenty-three.

(*b*) Eighteen newspapers appear fairly regularly. The rest are irregular. Their names are: –

Sudershan, Dogra Gazette, Naujawan, Babarsher-Kashmir, Bekar.

(*c*) to (*g*) The member is referred to the answer to Q. D. No. 191 (Serial No. 532).

SARDAR KANHAYA SINGH: Please read out that question.

R. B PANDIT RAM CHAND KAK: That is the same question. It will be sent to you

534. SARDAR KANHAYA SINGH: (*a*) Will the Hon'ble Prime Minister please state whether a deputation of the Dogra Sabha, Jammu, and Muslim Conference waited upon him with the object of getting the Dogra Gazette, Babar Sher and Muslim papers brought on the white list?

(*b*) The decision arrived at in the matter may kindly be stated.

R. B. PANDIT RAM CHAND KAK: (*a*) Certain gentlemen came to see the Prime Minister with reference to the question of classification of newspapers.

(*b*) The member's attention is invited to the reply to Q. D. No. 191 (*c*) answered on 19th March 1938.

SARDAR KANHAYA SINGH: Please read out the question that has been referred to.

R. B PANDIT RAM CHAND KAK: I have told the gentleman three times that the copy of the reply will be given to him.

LALA RAM LAL VAKIL: Will this reply be read in the House and sent to the member at his residence?

R. B. PANDIT RAM CHAND KAK: The reply to this question has been read in the House.

535. SARDAR KANHAYA SINGH: Will the Hon'ble Minister concerned be pleased to state what arrangements

were made for the supply of water to Kandi Illaqa, after closing down of Kandi Division ?

K. B. Raja Mohammed Afzal Khan : *1st part*.—No special arrangements were made after the closing down of the Kandi Division. The Irrigation Division used to attend to construction of Kuhls, tanks and wells wherever and whenever needed.

2nd part.—It is not practicable.

3rd part.—Does not arise.

4th part —The Government is doing their best to provide water facilities in the Kandi Illaqa and the work has been entrusted to the Revenue Department which has deputed a special Naib-Tahsildar and Sub-Overseer on this duty. Adequate funds for the purpose are being provided by the Government

536. Lala Shiv Nath Nanda : Is it a fact that in reply to Q. D. No. 453 of the last session it was stated by the Government that the Director of Industries is considering over the matter of making the Technical Schools more useful ? If the reply to the above be in the affirmative, it may be stated whether any scheme for improving these schools has been prepared during the past six months ? If such a scheme has been prepared the same may be placed on the table of the House ? If not, the reasons therefor may be stated ?

Pandit Ram Nath Sharma : Certain schemes have been engaging the attention of the Director of Industries, the more important being the one relating to the introduction of commercial units in three or four important lines in which there are prospects of development within the State. The underlying idea is to enable students trained in Technical schools to start small factories on a commercial scale.

537. Lala Shiv Nath Nanda : Is it a fact that during the last Jammu session my resolution regarding the establishment of a State Bank was passed in the House and thereafter sanctioned by the Council and published in the Government Gazette ?

If the reply be in the affirmative, will Government please state why silence has been maintained with regard to such an important and useful proposal ?

R. B. Pandit Ram Chand Kak : Government are engaged in working out the details and taking the preliminary steps for the establishment of a Bank.

Lala Shiv Nath Nanda : Will it be stated how much further time will it take to work out the details ?

R. B. Pandit Ram Chand Kak : It is impossible to fix

SRI PRATAP COLLEGE LIBRARY,

the definite date. Perhaps it may take two or three months more.

LALA SHIV NATH NANDA: When can the establishment of the bank be expected?

R. B. PANDIT RAM CHAND KAK: We cannot say anything definitely.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER: As soon as possible.

538. LALA SHIV NATH NANDA: (*a*) Is it a fact that a number of holidays relating to religious festivals of Hindus have been stopped after the reign of His late Highness Maharaja Partap Singh Sahib Bahadur?

(*b*) Is it also a fact that Hindu Sabha Kashmir and Hindu Sikh Nawjawan Sabha of Jammu had invited the attention of the Government through resolutions for re-introducing these holidays and the questioner had also put a question during the last Jammu session for this purpose?

(*c*) If the reply be in the affirmative, will Government please consider the demand of the Hindu public in this behalf?

R. B. PANDIT RAM CHAND KAK: (*a*) The list of holidays was revised in 1933.

(*b*) The President of the Hindu Sikh Nawjawan Sabha in an interview with the Prime Minister suggested that holidays should be given on certain Hindu festivals such as Lorhi and Bhai Duj. He was asked to submit a list which would be considered on merits. This list is still awaited.

(*c*) In view of reply to (*b*) this question does not arise.

LADA SHIV NATH NANDA: Am I permitted to submit the required list and will it be considered?

R. B. PANDIT RAM CHAND KAK: Yes, you submit it. It will be considered on its merit.

KHAWAJA ABDUL RAHIM BANDE: Will the question of Muslim festivals be considered along with it.

VOICES: Certainly! certainly! (Laughter)

539. LALA SHIV NATH NANDA: Is it a fact that in Circular No. 51 published in the "Imdad-i-Bahmi" a monthly journal, the Registrar Co-operative Societies had issued instructions to the staff that new bonds be got executed from the debtors so that debts advanced by the department may not be subjected to the provision of the Limitation Regulation. If the reply be in the affirmative, the following information may kindly be supplied:—

(*a*) Does the Limitation Regulation apply to the debts advanced by the Co-operative Banks?

(*b*) If the reply to (*a*) be in the negative it may please be stated as to why such a circular has been issued.

K. B. RAJA MOHAMMED AFZAL KHAN: Yes Staff was directed to see that no Bonds become time-barred and that Bonds are renewed in time.

(*a*) and (*b*) are questions of law, and no reply can be given to them.

LALA SHIV NATH NANDA: The reply that has been given to me is incomplete and meaningless I had enquired (*a*) what is the total amount of such debts? (*b*) Does the Limitation Act apply to the debts advanced by the Co-operative Bank? The total amount of the debts can be found out atonce from the balance sheet.

K. B. RAJA MOHAMMED AFZAL KHAN: This is not written in your question.

LALA SHIV NATH NANDA: I did not get reply to that part of the question wherein I had asked what is the total amount of such debts.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): If the reply to any part of your question has not been given you please invite the attention of the concerned Minister towards it.

LALA SHIV NATH NANDA: Sir, I have drawn his attention so many times but he says that this is not written in my question. But as a matter of fact it is written in my question.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): (Addressing Raja Mohammed Afzal Khan) Please reply his question.

K. B. RAJA MOHAMMED AFZAL KHAN: The question I have received does not make any mention of it.

LALA SHIV NATH NANDA: This is not my fault. I submit to the chair that my question is not being replied.

THE HON'BLE SIR LAL GOPAL MUKERJI KT.: To what question do you want reply. You put the question again, please.

LALA SHIV NATH NANDA: Sir I want reply to part (*a*) *i e*, what is the total amount of such debts?

THE HON'BLE SIR LAL GOPAL MUKERJI KT.: This part is not included in the question perhaps it has been disallowed.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Some mistake seems to have been committed by the office.

LALA SHIV NATH NANDA: Will you please supply me the reply written in two or three days?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu:) This question has been noted down. You will be supplied with the reply.

540. LALA SHIV NATH NANDA: Is it a fact that an Audit Fund pertaining to Co-operative Societies has been established in the State? If the reply be in the affirmative, a statement showing income and expenditure of the last three years may please be placed before the House?

K. B. RAJA MOHAMMED AFZAL KHAN: Yes, Audit Fund is maintained. Figures of expenditure and income as per sanctioned Budgets and Bachh Lists are given below:—

Year.		Expenditure.	Income.
1991-92	...	70,844	73,180
1992-93	...	78,360	77,890
1993-94	...	76,475	78,420

541. CHOUDHRI ABDULLA KHAN: Is it a fact that the Government had promised to supply information in respect of Q. D. No. 706 dated 11th October, 1937 asked in the last Srinagar session, as to how much amount was spent in the shape of stipend during the last year and what was the share of the agriculturists therein? If the reply be in the affirmative, the places where the stipends were granted and the names and residences of the students belonging to agricultural classes to whom these were paid may kindly be intimated?

PANDIT RAM NATH SHARMA: Q. D. No. 706 reads as follows:—

"Will the Government please state what amount was spent on scholarships in village Primary schools of Jammu Province last year, and how much was in all spent and where".

The information required is given below:—

		Rs.
Amount spent on scholarships in village Primary schools, Jammu Province	...	3,212
Amount spent on zamindar students	...	2,373

The collection of other information will involve an amount of labour and expense which will be disproportionate to the result achieved.

CHOUDHRI ABDULLA KHAN: I had put this question to know as to how much amount has been spent on the agriculturist students?

PANDIT RAM NATH SHARMA: The amount has been shown in the reply.

CHOUDHRI ABDULLA KHAN: On what has it been spent?

PANDIT RAM NATH SHARMA: It seems difficult to get this information.

542. CHOUDHRI ABDULLA KHAN: Is it a fact that the Tawi while flowing in the low-lands of Jammu is divided

into two parts and thereafter takes its course towards the river Chenab? If reply be in the affirmative, will the Government please state what is the annual land-revenue of the area lying between the above mentioned two parts of the Tawi and what is the rate of Road Cess per annum?

(*b*) Has this area which is called by the name of Andarwah got any roads? If so, the places where the roads exist and the points wherefrom such roads begin and terminate may please be stated?

K. B RAJA MOHAMMED AFZAL KHAN : (*a*) *Part 1.*—Yes.

Part 2.—The land-revenue of the area lying between both branches of the Tawi amounts to Rs. 40,904/12/- (Khalsa Rs. 39,111/5/- and Muafi Rs. 1,793/7/-).

Part 3.—The rate of Road Cess is Rs. 2/8/- per cent. per annum.

(*b*) Yes. There are the following roads in this tract :—

1. Jammu to Thub,
2. Jammu to Makwal,
3. Gol to Nandpur,
4. Power House to Nandpur,
5. Satwari to Ram-Bagh,
6. Gango Chak to Kandwal,
7. Chak Alam to Lalyal and
8. Sum to Tope.

All these roads begin from the first mentioned place and terminate at the last mentioned place.

543. CHOUDHRI ABDULLA KHAN : Is it a fact that a portion of the grave-yard situate in village Chak Channu (Tehsil Jammu) has been washed away by the adjoining Khud and the well existing therein which supplies drinking water to a number of villages will, it is apprehended, be also washed away during the rainy season when the Nallah is flooded? Will the Government please adopt measures for the protection of the said grave-yard and well? If not, why not?

K. B. RAJA MOHAMMED AFZAL KHAN : Yes. The well will be got repaired and protected this year.

As the grave-yard is private property, being the property of a particular community, the Government can not undertake its protection.

LALA SHIV NATH NANDA : Which is this "Channu"?

K. B. RAJA MOHAMMED AFZAL KHAN : It is his "Channu". (Laughter)

544. SARDAR HARI SINGH : Will Government please state how many zamindars are working as Khalasis, Compositors and Machinemen in the Ranbir Government Press?

What qualifications are required for being a candidate and what are the rules for filling up a vacancy ?

KHAWAJA GHULAM AHMED ASHAI : Zamindars working in Ranbir Government Press, Jammu, are :—

1. Khalasies 29 out of 37.
2. Compositors 20 out of 26.
3. Machinemen 18 out of 24.

No candidates are kept under Government orders.

Vacancies are being advertised and suitable men with required qualifications selected amongst the applicants and appointed.

SARDAR HARI SINGH : I had enquired how many candidates are kept ?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): It has been said that no candidate is kept.

SARDAR HARI SINGH: It is essential to keep candidates so that they may get opportunity to train themselves.

KHAWAJA GHULAM AHMED ASHAI : The reply is quite a detailed one.

545. Withdrawn.

546. MOULVI MOHAMMED ABDULLAH : (*a*) Will Government please state the powers of the Municipality and the Nazool Department and what is the difference in powers with regard to waste lands and unclaimed areas ?

K. B. RAJA MOHAMMED AFZAL KHAN : Areas being used by Municipality from a long time back for municipal purposes are controlled by that body. The rest are managed by the Nazool Department. For the powers the hon'ble member should look into the published rules.

547. MOULVI MOHAMMED ABDULLAH : (*a*) Will Government please state whether the Nazool Department is annexed to the Governor's Department and its orders are considered as the orders of the Governor ?

(*b*) Is the right of appeal against the order of the Nazool Department limited to the court of the Governor and no further ?

(*c*) If reply to part (*a*) and (*b*) be in the affirmative, then it may be stated how many appeals in all have so far been filed in the Governor's court against the orders of the Nazool Department ?

(*d*) Are Government prepared to order that such papers should be only signed by the Nazool Officer, so that the complainant may have a right to appeal to the Wazir Wazarat ? If not, why ?

(*e*) Is it a fact that Rs. 8,000 are being spent annually to maintain this Department separately and whether Govern-

ment are prepared to save this sum by amalgamating this department with the Governor's office ?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(*b*) No.

(*c*) Governor cannot hear appeals against his own orders.

(*d*) No. Governor's orders cannot be appealable before a Wazir Wazarat.

(*e*) Only Rs. 6,514 are being spent on the maintenance of this section. This explanation has been considered necessary in the interests of the management of Nazool property.

2nd part.— It is already part and parcel of Governor's office.

548. MOULVI MOHAMMED ABDULLAH : (*a*) Is it a fact that there is a special officer attached with the Governor who is concerned with Acquisition of Land Department ? How many files in all are with this officer ?

(*b*) Is not the 'Land Acquisition Officer' fit for taking up the work of Nazool Department ? What objection do Government have in putting the Nazool Department under the Land Acquisition Department ?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) Yes, about 1,000 files.

(*b*) The two functions are quite distinct and require the services of two separate officers.

549. MOULVI MOHAMMED ABDULLAH : (*a*) Will Government please state whether Wasidari Rules have been completely amended, and the whole 'Wasidari' list entered into the register ? And whether the ground rent areas have also been registered ?

(*b*) Are arrears of Nazool dues, such as ground rent realized through the Tehsil ?

(*c*) If reply to part (*a*) and (*b*) be in the affirmative, then what is the necessity of having a Nazool Department ?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) The revision and amendment of Building Sites Rules is under consideration.

The Wasidars of Nazool areas are entered in the register at the time of grant of lease.

(*b*) The arrears are recovered by the Nazool Branch of the Governor's office but sometimes assistance is sought from the Tehsil.

(*c*) Realisation of rent is not the only function of the Nazool Section.

550. KOTWAL LAKHMI RAM : Are Government aware that at Sarkot, Kishtwar, water is available in the tap only

for one hour whereby the needs of the people and their cattle cannot be satisfied, while water is utilized for irrigating the garden in the premises of the Bungalow of the Forest Department situate below Sarkot? Will Government please issue orders that water may be used for irrigating the garden only when the needs of the zamindars in respect of drinking water have been fulfilled?

K. B. RAJA MOHAMMED AFZAL KHAN: *Ist part.*—The Government are not aware that the tap water is available for only one hour.

2nd part.- The Government are not aware that the tap water is used for irrigating the garden of the Forest Bungalow.

3rd part.—The Government will make an enquiry and if before meeting the needs of the public tap water is used for irrigation purposes such use will be stopped There is also a big tank which contributes to the meeting of the needs of the people and their cattle.

551. SARDAR KANHAYA SINGH: Is it a fact that while prohibiting the cultivation of opium in Bhadarwah Tehsil it was ordered that the revenue of the land used for the cultivation of opium be reduced. Is it correct that thisorder has not been carried out so far. Will Government please issue necessary orders in this matter?

K. B. RAJA MOHAMMED AFZAL KHAN: No reduction in land-revenue has so far been sanctioned. Files are in the course of preparation, and on their being completed necessary orders will be passed.

SARDAR HARI SINGH: As the files are in the course of preparation will the collection of land-revenue be suspended?

K. B. RAJA MOHAMMED AFZAL KHAN: How can the collection of land-revenue be suspended. It is quite possible that the amount of land-revenue be excessive but it is necessary to assess the land-revenue.

MAJOR MIRZA ATTA MOHAMMED KHAN: In other words the zamindars will have to bear the burden of interest.

K. B. RAJA MOHAMMED AFZAL KHAN: What grounds there are for you to believe that zamindars borrow money on interest in order to pay off the land-revenue.

MAJOR MIRZA ATTA MOHAMMED KHAN: I have many a reason to believe so, on the other hand you being a superior officer it is very necessary for you to know this.

552. SARDAR KANHAYA SINGH: Are Government aware that in Illaqa Kaldarhamut etc., Bhadarwah Tehsil, owing to drought crops failed. The zamindars submitted applications for remissions of land-revenue? If reply be in the

affirmative, will Government grant due remission to these zamindars ?

K. B. RAJA MOHAMMED AFZAL KHAN : Yes, but the crops did not fail to such an extent as to necessitate grant of any remission under the rules.

553. Withdrawn.

554. Withdrawn.

555. MIAN AHMED YAR : Will the Government please state :—(*a*) What principle has been taken into consideration in fixing the road toll *i. e.* whether it is being charged according to mileage or to a fixed rate, and

(*b*) When only Rs. 2 as road toll for Murree-Kohala road which is 64 miles long, is charged despite its excellent up-keep why road toll in the State is not charged according to the same proportion ?

PANDIT RAM NATH SHARMA : (*a*) According to a fixed rate.

(*b*) It is not necessary for the State to follow all the rules of British India as it is not necessary for British Indian Government or for that matter for any other Government to follow the rules in force in the States. It is, however, mentioned for the information of the Praja Sabha Sad that His Highness' Government has already granted a reduction of 25 per cent. in the road toll last year.

SHEIKH MOHAMMED AMIN : Is this reduction of 25 per cent. allowed in case of motor lorries only or in the case of bullock carts also ?

PANDIT RAM NATH SHARMA : You have been supplied with the required information in the reply. For further details you better give notice.

556. MIAN AHMED YAR : Will the Government please state why in the summonses of the Courts and other departments polite words such as "Ap" be not used instead of the discourteous term as "Tum" etc.?

PANDIT RAM NATH SHARMA : The member is referred to the reply already given to Q. D. No. 354 of Sardar Hari Singh on 23rd March 1938.

SARDAR DHIAN SINGH : Will the whole subject-matter be changed?

PANDIT RAM NATH SHARMA : Yes, the whole subject-matter will be changed.

557. MIAN AHMAD YAR : Will the Government please state if the Board of Industries or Standing Finance Committee of the Praja Sabha was consulted in connection with the aid granted to Mr. Haksar for sheep-breeding? If so, what was their opinion?

R. B. PANDIT RAM CHAND KAK: No. It was not necessary to consult either.

558. MIAN AHMED YAR: (*a*) Will the Government please state as to how much and in what shape aid was granted by the Government to Mr. Wattal for Woollen Mills after the establishment of the Praja Sabha and whether the Praja Sabha was consulted before granting this aid? If so, what was its opinion?

(*b*) How much amount was granted as aid for cottage industries in comparison with that granted to Mr. Wattal. In case any aid has been granted for cottage industries, the amount and the persons to whom it was given may please be stated?

R. B. PANDIT RAM CHAND KAK: (*a*) In 1934 Rs. 80,000 on the security of buildings and machinery.

In 1937 Rs. 50,000 on the security of buildings and machinery.

Further Rs. 30,000 will be given within 3 years on the security of buildings put up and machinery purchased.

Rs. 4,000 will be allowed for Research work in wool grading provided the Company also invest an equal amount.

It was not necessary to consult the Praja Sabha.

(*b*) It is not possible to answer this question unless the hon'ble member specifies the particular cottage industries and the period he has in mind.

559. MIAN AHMED YAR: Will Government please state the reasons for levying enhanced rates of Court fees from Poh 1986 after amending the Court Fees Regulation?

(*b*) Why the previous rates and practice be not restored to make the Courts a non-revenue producing concern?

PANDIT RAM NATH SHARMA: (*a*) The court fee rates were enhanced in certain respects in 1986 on the recommendations of the Special Investigation Committee which was presided over by Mr. (now Sir) Bertrand Glancy.

(*b*) The Court Fees Regulation is a fiscal and taxing enactment passed with two objects:—

(1) One is that frivolous litigation should be checked and

(2) For purposes of revenue.

It is a recognised principle everywhere in British India that litigation should be taxed.

560. PANDIT GOVIND RAM KABU: Will the Government please state:—(*a*) Whether it is a fact that right from the first session of the Praja Sabha, the various members coming from Baramulla, have repeatedly requested the Government through questions and resolutions and also by means

of deputations that the Baramulla bridge over the river Jhelum being in a dangerous condition, be rebuilt and made fit for wheeled traffic.

(*b*) Whether it is a fact that at the time of his visit to Baramulla, Col Colvin, *ex*-Prime Minister had been approached by the public of Baramulla about the rebuilding of the bridge?

(*c*) Whether it is a fact that the Chief Engineer Roads and Buildings had also expressed his willingness to provide funds in the current year's Budget for this bridge?

(*d*) Whether it is a fact that inspite of all these promises no steps have been taken about the rebuilding of this bridge?

(*e*) Whether the Government is now prepared to issue orders that while preparing the next year's Budget, sufficient funds will be provided for this bridge?

PANDIT RAM NATH SHARMA: (*a*) Yes.

(*b*) The P. W. D has no knowledge of it.

(*c*) Yes.

(*d*) No. The preparation of an estimate for the bridge is in hand and necessary data for it is being collected. A provision of Rs. 60,000 was demanded in the Budget for the current year but it could not be apportioned as funds available were tight.

(*e*) Provision for it will be demanded in the next year's Budget proposals.

561. PANDIT GOVIND RAM KABU: (*a*) Will the Government please state whether customs duty is charged on the actual cost of goods or on actual cost plus the charges of packing, postage and railway fare?

(*b*) If the latter be the case, it may please be stated whether it is fair to charge duty on railway fare, packing and postage?

(*c*) If the answer to (*b*) above be in the negative, will the Government issue directions that no customs duty be charged on packing, postage and such other surcharge?

PANDIT RAM NATH SHARMA: (*a*) In the case of goods imported by parcel post duty on postage is not charged. In the case of imports by other ways *viz.* lorries or Railway, the freight is added upto the post of settlement at the time of calculating the amount for purposes of assessment.

(*b*) It is not unfair to charge duty on freight etc. The same practice is in vogue at the British Indian Customs Ports also in relation to goods coming from foreign countries.

(*c*) Does not arise. The Advisory Tariff Board is already considering such cases where hardship is felt in the case of certain kinds of goods manufactured in India.

562. PANDIT GOVIND RAM KABU: (*a*) Will the Government please supply a list according to seniority of the permanent Wazifakhars of the Revenue Department in Kashmir?

(*b*) What are the emoluments of these Wazifakhars?

(*c*) Whether at the time of filling permanent posts of Nazirs, Siyah-Navises, Wasilbaqinavises and other clerks senior-most Wazifakhars are given preferential treatment?

(*d*) How many permanent vacancies in which Wazifakhars could be appointed have occurred in Kashmir Revenue Department since 1987, and how many of these have been filled by recruiting Wazifakhars?

(*e*) Whether in filling these posts seniority of candidates has been kept in view?

(*f*) If according to the Glancy Commission recommendations seniority has been ignored to give chance to Muslims, it may please be stated why Ghulam Mahi-ud-Din of Baramulla Wazarat who has been a permanent Wazifakhar from the year 1983 has been ignored?

(*g*) How many Hindu Wazifakhars are still unprovided and whether in providing them their seniority will be given due consideration?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) Seniority list of Wazifakhwars of the Kashmir Province is placed on the table of the Praja Sabha Sad.

(*b*) Wazifakhwars posted in the Governor Kashmir's office get Rs. 17 per mensem. All other Wazifakhwars are paid Rs. 15 per mensem excepting six who are paid Rs. 13 per mensem.

(*c*) Not necessarily. Wazifakhwars being generally Settlement trained hands are considered better fitted for field work. They are, therefore usually given promotion amongst the field staff. There is, however, no bar to a Wazifakhwar being appointed as Siah Nawis or Wasilbaqinawis provided he is well conversant with account matters.

(*d*) The question is too vague to be answered.

(*e*) Does not arise in view of answer given to part (*d*) above.

(*f*) There are, as will appear from the seniority list, still 2 Muslim Wazifakhars senior to Ghulam Mohi-ud-Din. It is, therefore, not clear how his claims are said to have been ignored.

(*g*) The question is not clear. Wazifakhwars are paid servants and they are generally promoted to the post of Patwaris in order of seniority-cum-fitness.

Seniority List of Wazifakhwars of Kashmir Province compiled from the lists received from Wazirs.

Serial No.	Name of Wazifakhwar.	Tehsil or Wazarat.	Date of birth.	Date of first appointment.	Date of present appointment.
1	Amar Chand Koul ...	Srinagar ...	.....	Katik 1976	Katik 1976
2	Lassi Mir ...	Wazarat Baramulla.	.....	Samvat 1977	.....
3	Ghulam Hussain	Anantnag ...	Magh 1944	Samvat 1982	Samvat 1990
4	Ghulam Mohi-ud-Din ...	Wazarat Baramulla.	.....	Har 1983	.....
5	Thakur Bhuta Singh ...	Muzaffarabad	6 5 1956	1 5 1983	1 5 1983
6	Dina Nath ...	Srinagar ...	Baisakh 1968	31 2 1984	11 2 1989
7	Kesho Koul ...	Kulgam ...	Magh 1962	3 5 1984	3 5 1984
8	Sarvanand ...	Badgam ...	.....	7 11 1984	.....
9	Gopi Nath ...	Wazarat Anantnag.	Poh 1959	5 10 1984	5 10 1984
10	Raghnath ...	Karnah ...	Samvat 1960	Samvat 1984	Chet 1984
11	Ragho Koul ...	Kulgam ...	Magh 1959	Assuj 1985	Assuj 1985
12	Sarup Chand ...	Kulgam ...	Samvat 1961	Magh 1985	Magh 1985
13	Kanth Koul ...	Badgam ...	.....	Baisakh 1988	.....
14	Shiv Ram son of Narayan Bhat	Handwara ...	.....	21 2 1989	.....
15	Mahishwar Nath ...	Anantnag ...	1 12 1957	14 5 1989	14 5 1989
16	Shamboo Nath ...	Srinagar Khas	11 1 1971	6 10 1990	20 1 1992
17	Habib Ullah ...	Wazarat Muzaffarabad.	10 12 1943	4 2 1991	.....

Serial No.	Name of Wazifakhwar.	Tehsil or Wazarat.	Date of birth.	Date of first appointment.	Date of present appointment.
18	Noor Mohammad ...	Handwara ...	.....	6 3 1991	.....
19	Kanshi Nath ...	Pulwama ...	Sawan 1966	14 4 1991	14 4 1991
20	Amar Nath Qazi ...	Badgam ...	.....	3 7 1991	.....
21	Abdul Samad Monda ...	Anantnag ...	18 3 1964	11 8 1991	11 8 1991
22	Prem Nath Bhat ...	Kulgam ...	1 2 1972	23 10 1991	10 3 1994
23	Girdhari Lal ...	Srinagar ...	11 1 1971	16 12 1991	19 7 1993
24	Ghulam Hussain ...	Muzaffarabad	Samvat 1969	Baisakh 1992	16 11 1993
25	Ghulam Ahmed ...	Baramulla ...	.....	Sawan 1992	.....
26	Subhan Wani ...	Baramulla	.....	9 7 1992	.....
27	Ahsan Shah ...	Srinagar ...	7th April 1917	12 3 1993	24 12 1993
28	Abdul Din ...	Badgam ...	.....	Har 1993	.....
29	Arjan Nath ...	Karnah ...	5 7 1965	3 5 1993	3 5 1993
30	Sham Lal Tiku ...	Pulwama ...	7 3 1977	7 5 1993	7 5 1993
31	Samsar Chand ...	Anantnag ...	Baisakh 1960	18 5 1993	18 5 1993
32	Anand Ram ...	Uri ...	End of Chet 1967.	8 6 1982	28 5 1993
33	Ghulam Nabi ...	Uri ...	Katik 1970	22 7 1991	28 5 1993
34	Mohammed Akbar ...	Muzaffarabad	Assuj 1972	11 8 1993	11 8 1993
35	Kesho Ram son of Taba Ram ...	Handwara ...	.....	20 8 1993	.....
36	Govind Ram Raina ...	Anantnag ...	Assuj 1971	Magh 1993	Magh 1993

37	Mir Asadullah Qadri	...	Baramulla ...	.....			10	11	1993	.....		
38	Diwan Chand	...	Wazarat Muzaffarabad.	25	7	1967	14	11	1993	14	11	1993
39	Seva Singh	...	Wazarat Anantnag.	.....			1	3	1994	1	3	1994
40	Ghulam Mohammed	...	Baramulla...	.....			3	6	1994			
41	Ahad Ullah	...	Pulwama ...	.....			7	6	1994	7	6	1994
42	Shiv Ram son of Ramchand		Handwara ...	.....			9	7	1994	.....		
43	Ghulam Hassain son of Lal Khan		Pulwama ...	.....			8	8	1994	8	8	1994

1. Pandit Radha Kishen (*i*) Governor Kashmir's Office ... Pay Rs. 17
2. Pandit Radha Kishen (*ii*) ,, ,, ,, ... ,, ,, 17

According to rate and pay both are senior to all mentioned above.

563. PANDIT GOVIND RAM KABU: (*a*) Will the Government please supply a list according to seniority of the Inspector and Sub-Inspector candidates who have passed the Departmental Examination of the Co-operative Department ?

(*b*) It may please be stated whether these candidates will be provided according to their seniority or according to some other order ? If the latter, the order according to which each will be absorbed may please be stated ?

K. B. RAJA MOHAMMED AFZAL KHAN: The seniority list of Inspector candidates who have passed the Departmental Examination is attached. As regards Sub-Inspectors the information is being collected.

(*b*) In filling up posts, communal representation has to be kept in view and therefore such lists according to which posts will be filled up can not be prepared before-hand.

List of candidates for Inspectorship who hav passed Departmental Examination.

1. D. Dhanpat Rai.
2. P. Maheshwar Nath Mattu.
3. M. Ghulam Rasool.
4. P. Pushkar Nath (Gurdaspur trained).

PANDIT GOVIND RAM KABU: You have stated in part (*a*) that information about the Sub-Inspectors is being gathered. Will it be supplied as soon as it is available ?

K. B. RAJA MOHAMMED AFZAL KHAN: Yes, Sir.

564. PANDIT GOVIND RAM KABU: Will the Government please state whether it is a fact that sum of Rs. 10 per month is given as aid to Patshalas and Maktabs ?

(*b*) Whether it is a fact that the managers of Maktabs and Pathshalas have to defray all expenses of furniture, registration etc. from this meagre grant of Rs. 10. ?

(*c*) Is the Government prepared to increase this grant to Rs. 15 per month to enable the managers of these institutions to run them more efficiently ?

PANDIT RAM NATH SHARMA: (*a*) Yes.

(*b*) Yes.

(*c*) The present allowance of Rs. 10 per mensem is given in the shape of an aid and it is quite sufficient.

565. MR. WAJID ALI SHAH: Does the Government know that the zamindars of Totlete had given a contract for Rs. 7,000 for the construction of a Kuhl with a view to fertilizing the Lohgas tract but the same could not be constructed as the zamindars owing to their poverty are not in a position to bear this huge expenditure ?

(*b*) If the reply to the above be in affirmative, will

Government please arrange to complete the construction work of this Kuhl in order to fertilize the *Illaqa* ?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) No.

(*b*) Does not arise.

566. MR. WAJID ALI SHAH : Does the Government know that Sarai of Mattan has not got sufficient accommodation as there are only two or three rooms and consequently the travellers are put to great inconvenience ? Will Government please consider this matter and make necessary arrangements for removing thisinconvenience? If not, the reasons therefor may please be stated.

K. B. RAJA MOHAMMED AFZAL KHAN : *1st part.*—Yes.

2nd part.—Government will consider this matter.

567. MR. WAJID ALI SHAH : Does the Government know that there is no Female Hospital in the Frontier District in the absence of which the female population is put to great trouble ? If the reply be in the affirmative, will the Government please establish a Zenana Hospital at least in Kargil which commands a central position in the District ?

PANDIT RAM NATH SHARMA : Yes. The question will be considered at the proper time.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu). On the last non-official day discussion was going on on Mr Dobey's resolution. The same will be resumed.

LALA HANS RAJ : The question whether these officers be invested with judicial powers or not has sufficiently been discussed and Pandit Amar Nath Kak has cited many cases and produced sufficient arguments with regard to this matter. I will submit, in this connection, that it is inadvisable to invest these officers with these powers because they exercise these powers contrary to justice and common sense. This matter is under discussion since long. Many a time this matter has been discussed in the Dogra Sabha. I asked questions concerning this matter, in this House, in the last session, and also gave notices of some resolutions but unfortunately those could not succeed in the ballot. This is an important problem which is facing us this time. I hope that the Hon'ble Ministers and other Government Officers will considee this matter very seriously because the officers who exercisr these powers are not well versed in Law. For the sake of illustration I will cite a case. On 9th Chet 1994 a big party of Police and Customs Officers went to Deva Batala with the intention of making a raid on a distillery where illicit manufacture was going on. This was done for

the purpose of troubling a gentleman named Bachitar Singh. There were certain mischief-mongers in the village who were his enemies. They sent for the police. The police wanted to trouble him and his family. Bachitar Singh ran away to Jammu But here also he was caught by the Police and was severely beaten.

PANDIT LOK NATH SHARMA: Sir, probably that Bachitar Singh is No. 10 Badmash.

LALA HANS RAJ: I think, now, there was no necessity of making such a remark. Even if there be some Badmash still he is not beaten or troubled unreasonably. We have to see only how much trouble and harm is being caused to the people on account of the powers which are vested in these officers.

PANDIT LOK NATH SHARMA: The hon'ble member is not correct. Such a case has to go to an ordinary court and not to the Excise officers.

LALA HANS RAJ: I could not understand what you said in English. Please repeat this in Urdu.

PANDIT LOK NATH SHARMA: This is an exicse case. It is to be decided by a Magistrate and not by the officers of the Excise Department.

LALA HANS RAJ: I am complaining of the fact that the powers which have been vested in these officers are not being exercised by them properly. Therefore my submission is that they should not be invested with these powers.

K. B. RAJA MOHAMMED AFZAL KHAN (Revenue Commissioner): Which officers do you mean? Do you mean Police Officers.

LALA HANS RAJ: Not Police Officers. I have stated that Bachitar Singh was assaulted by the Customs and Excise Officers. Now the question is whether magisterial powers be withdrawn from these officers? I will thank God hundred times the day when these powers are withdrawn from them.

Sir, we people who are fully aware of the condition of the public, and understand their difficulties well should state their grievances in this House. I will request the Hon'ble Ministers and State Councillors that they should think over this matter and see whether these officers are so exercising their powers as to prove helpful to the people or are otherwise causing them harm. I can cite hundreds of cases of maltreatment meted out to the people by the officers of Customs and Forest Departments.

As an example I submit, Sir, that once I went to Kishtwar. I saw in the way that one Forest Guard caught

one zamindar and asked him wherefrom he had obtaind wood for pegs (Killas). The zamindar replied that he prepared those "Killas" from the wood cut from his land adjoining his house. The daughter and the son of the zamindar were lying sick in the bed and the poor man was already much worried on account of their illness but the guard troubled him again and again by his cross-examination. He then threatened him and afterwards took him to Thana where he was severely beaten. By relating this incident I mean to convey you an idea that these officers are a source of great trouble for the poor villagers.

At first I was also of the opinion that it would be in the interest of the zamindars if their cases be decided in their villages and thus they escape the trouble of going to the courts and incurring expenses. In that case, firstly, they will be saved from the trouble involved in coming and going to courts, and secondly, they would escape the delay which is caused in the disposal of their cases. But cursed by such expediency ! The officers who have been invested with these powers trouble the people for no reason, so much so that they take away sheep, goats, hides, wool and other things which the zamindars happen to possess, but, in spite of all this, nobody cares to redress the grievances of the poor villagers. The Hon'ble Prime Minister resides in the city and His Highness the Maharaja Bahadur keeps out of the State. Where and with whom should the poor villagers lodge their complaints? Alas! Had these Ministers ever travelled on foot through the forests and toured in far-off villages, they would have realized the pitiable lot of the people.

I submit that the Government should certainly punish those people who steal timber. But they should not be victimized unnecessarily. The magisterial powers should at once be withdrawn from these officers who are causing hardships to the people by their improper use.

SARDAR DHIAN SINGH: Sir, I beg to submit that the object of investing the departmental officers with such powere was, that immediate action may be taken against the offenders caught red-handed, so that they may escape the trouble of attending the Law Courts again and again and furnishing bails.

I shall relate here my personal experience. I have worked as Head Inspector of Customs. I had the power of imposing fine upto two hundred rupees. Whenever any case was brought before me I always thought of maintaining the prestige of my Department and at the same time

of observing impartiality in deciding the case. But it was not possible to administer justice impartially in this way.

PANDIT JIA LAL KILAM: So you were partially just.

SARDAR DHIAN SINGH: Once a case came before me for hearing and one of the hon'ble members of this House came to me with a recommendation after travelling a long distance. He told me that the man involved in the case was a poor man and requested me to acquit him. I thought that in this case the question of the prestige of my Department was involved. There was also the question of the income of the Department and justice was also not be lost sight of in the case. Hence, under those circumstances, I could not acquit the accused. However I accepted the recommendation. I fined the accused but paid the fine out of my own pocket. At that time I was faced with the question of maintaining the prestige of the Department, therefore I could not acquit the accused nor was I influenced by the recommendation. What I mean to say is that the Departmental officers being influenced by the fact that the case is a departmental one and that an exemplary punishment should be inflicted on the accused pass severe sentences in such cases. In view of these facts I submi', Sir, that it would be in the fitness of things if the Government makes some better arrangement for the disposal of such cases.

MOULVI MOHAMMED ABDULLAH: Sir, there are two aspects of this subject. The first is that the officers who have been invested with judicial powers are ignorant of the rules of procedure and as such there is no possibility of fair administration of justice. There is no denying the fact that the officers of the Customs and Forest Departments are not so well versed in Law as the Judicial Officers are.

The other aspect is that if we take into consideration the fact that the machinery of the Government should run smoothly then we shall have to see that in redressing the grievance of the people there is involved no risk to the financial position of the Government. Here an opposite view is being taken. Will not the withdrawal of judicial powers from the officers of Forest Department result in the well known saying :—

"By the time the antidote is fetched from Iraq, the snake-bitten shall die."

There is another aspect as well. Government has invested certain officers with the powers to hear cases such as the officers of the Customs, Forest, Game Preserve Depart-

ments. These powers have been granted to them so that the administration may run smoothly. There is no doubt that these powers are not being exercised properly. But at the same time we have to take into consideration the fact that if these powers are withdrawn from these officers the financial position of the Government will deteriorate and the Government would be put to a heavy loss because even at present in those places where trout fish is sold at the rate of five rupees a pound dozen of fish are caught stealthily. I submit, Sir, that it is essential to keep the interests of the Government in view. If we look to the hardships of the people with an impartial eye we will find that even in the judicial courts the people are put to extreme trouble on account of the adjournment of their case. I have personal experience of the fact that some times cases are so prolonged that the parties are ruined thereby. The same case may linger on for generations. Sometimes cases are not decided for thirty or forty years. Is it not cruel ?

A VOICE : Are you defining justice and cruelty ?

MOULVI MOHAMMED ABDULLAH : You are disturbing me unnecessarily by irrelevant talk. I have just stated a general principle of justice.

MR. GHULAM MOHAMMED SADIQ : It seems that Moulvi Sahib got a case which he prolonged for 25 years.

MOULVI MOHAMMED ABDULLAH : There is no question of justice or injustice this time. The question that faces us is to see whether law courts can meet the ends of justice if magisterial powers are withdrawn from these officers. What Department is there where injustice is not done and what person is there who does not cry that injustice is being done. To be brief I would say that both sides are harmful. There would arise difficulties in either case. If these powers are withdrawn then although your interests would not be prejudiced but the Department shall have to suffer. I also want, just as it has been rightly stated by Mr. Kak, that law knowing and able persons should be appointed to the responsible appointments in the Customs and Forest Departments so that they may exercise these powers in accordance with law and the rules of procedure and thus administer justice to the parties. This is in brief and what I want to say.

VOICES : Now you want to get your sons appointed as Divisional Forest Officers.

MOULVI MOHAMMED ABDULLAH : The critics find fault even with the reasonable and weighty arguments. The fact is that the critics resort to criticism with a view to stop persons from expressing truth and matters of principle.

From whatever aspect you examine this matter, you will find that the disadvantages out-weigh the advantages. The public will be put to trouble and loss. Therefore it will be more appropriate if instead of inefficient persons who do not know law and rules of some procedure, better persons are selected for exercising such powers.

PANDIT JIA LAL KILAM : It is an amendment ?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L Kichlu) : You are not speaking on the resolution. You seem to be moving an amendment.

MOULVI MOHAMMED ABDULLAH : Foreseeing its consequences I submit that the resolution in its present form is not acceptable. I oppose it. I am sorry to say that when the public repre entatives come to this House, they swear on the Holy Book that they will be faithful to the people and to the Government and discharge their duties honestly. But in this House there are party frictions. I have adopted the middle course. I neither side with the Government nor with the people unreasonably.

PANDIT LOK NATH SHARMA : You are just like a rolling stone.

MOULVI MOHAMMED ABDULLAH: I am not in favour of the Government nor do I favour the people unduly. Some members are on the side of the Government while others are in league with other parties. But I am moderate in my policy. I am always prepared to back any motion that is favourable to the people. While taking the oath of allegiance it is said that we will express our opinion impartially but who is there who is true to his oath ? It is not beneficial to propose the withdrawal of powers from such officers. On the other hand Government should appoint able persons to such posts.

LALA SHIV NATH NANDA: Sir, the resolution which is under discussion has been moved by Pandit Ram Chandra Dobey the leader of our group and as such I ought to have spoken in favour of the resolution. But as Moulvi Mohammed Abdullah has said that one should express his opinion freely and should not be influenced by others; therefore I shall also act according to my own judgment. I always follow my conscience and am prepared to accept any righteous proposal but am never prepared to accept anything which goes against my conscience.

MR. GHULAM MOHAMMED SADIQ : Then you do not agree with your leader.

LALA SHIV NATH NANDA : No Sir, I do agree with him,

But he has allowed me freedom in expression of opinion on this matter.

So far as I remember, a similar resolution was presented and discussed in this House last year but it could not succeed Pandit Amar Nath has stated in his speech that it is an ordinary matter but I submit Sir that it is not so. It will be discussed for half an hour more.

It has been asked that the magisterial powers granted to the officers of Custom and Forest Departments should be withdrawn and the cases pertaining to these Departments decided by the Court of Law. Some of my friends have said that these powers may not be withdrawn but only such persons should be appointed on such posts who are LL Bs and have studied law. In their opinion such persons will decide such cases in accordance with law and justice. My friend Mr. Kak also holds the same opinion. In his opinion only law-knowing persons and no body else should be appointed on such posts. I remember, that in this very session, some days ago, it was asked what law was, and in reply it was stated that law is nothing but common sense. I also want to submit this very point that if a person is possessed of common sense, he can deal fairly even with most important cases and decide them very nicely. There is no doubt about the fact that so many B. As, M. As and other highly qualified persons are available but I think they are not possessed of those qualities of head which may enable them to work independently. If you ask them to draft a letter for you they may perhaps search somebody else for this purpose. There are certain magistrates who seek the help of 'Vakils' and other persons in the discharge of their duties. If you mean to appoint such persons then I think it would only worsen the conditions. It is in no way advisable to invest such persons with such powers.

We generally find that all persons who are appointed as assessors are uneducated. They cannot read or write a single line still Sessions Judges seek their opinion on every point. It has always been found that in any case where a judge disagreed with the opinion of the assessors, the opinion of the assessors was held to be correct in appeal. These assessors are not highly educated persons like us, nor are they LL. Bs. But their opinion is preferred to that of every body else.

Mr. Kak who regularly goes to the courts must be remembering the case wherein one LL. B. was appointed arbitrator and he spoiled the whole case.

It has been commonly noticed that these law-knowing

magistrates do more injustice than the officers of the other Department. Therefore the proposal that has been put forth for the withdrawal of powers from the officers of those Departments seems inadvisable. My hon'ble friend has also stated that the injustice that is done by the Customs and other departmental courts will be set right by knocking at the doors of the law courts. I submit, Sir, that much time will be spent on such cases. The people have to come from distant Illaqas to appear in the law courts which adds to their trouble instead of lessening it. On the other hand we see that the cases of Forest and Customs Departments are decided on spot by the officers of these departments. This is done in the interests of the people. These officers do not trouble the people unnecessarily. Some people may say it is not so. They may say that these officers maltreat the people in order to maintain the prestige of their Departments. But you know that all persons are not alike. Many people are very able and justice-loving. They decide cases on their merits without being partial in any way. I would like to mention the name of late Sir Barjor Dalal in this connection. He decided cases very nicely. Whenever any case came up before him he pronounced its judgment just after hearing it and it was found that his judgments in ninety-nine cases were very sound. Still the critics found fault with him and said that he was very hasty in deciding cases. By this I mean to convey an idea that all persons are not of the same type. Many persons are of exceptional talents still you will find them lacking in many respects. In England, also, it is conventional that certain non-official persons are invested with the powers of I, II and III class magistrates, and such persons exercise these powers. All of them are not always LL. Bs. or law-knowing persons either. I have not much time left now otherwise I can give so many more illustrations. Lala Hans Raj stated that magistrates should go to the Forests..... .....

VOICES: Lalaji, now he is going to reproach you.

LALA SHIV NATH NANDA: I am always obedient to Lala Sahib. He is oldest of us and deserves our every respect.

It is said that the officers of Customs, Forest and Game Preserve Departments decide cases very hastily. They decide cases at once irrespective of the fact whether the decisions are right or wrong. But this is not a truism. No such written complaint has ever been made. Haste in the disposal of the cases does not necessarily produce adverse effects. Under the present arrangements the cases of the people are decided in their very Illaqas. If these are to be

decided by law courts the poor people will be ruined by the heavy expenses involved in coming and going to courts. If any person feels aggrieved by the decision he can approach the appellate court. He is granted the right of appeal. In the face of such facts it seems quite improper and irrelevent to put forth such a resolution in the House.

As my friends say that other hon'ble members also want to speak on this resolution and, moreover, as they do not like to hear the truth, therefore I oppose this resolution and finish my speech.

Mr. Ghulam Mohammed Sadiq: We did not understand your speech in the least.

Lala Shiv Nath Nanda: You are an LL. B and still you could not understand it ?

Pandit Jia Lal Kilam: Nobody could understand it.

Lala Shiv Nath Nanda: God forbid! if such is the understanding of the law-knowing persons then it would be better to be illiterate than to be law-knowing. I have said in my speech that these officers must continue to exercise these powers, which have been granted to them, by the Government, as previously.

I submit that people do not stand to gain by it in any way. But on the other hand there is the apprehension of their losing in this bargain. I oppose this resolution and submit that the powers should remain vested in the officers as they are.

Pandit Lok Nath Sharma: Point of order, Sir. We have just learnt from one of the speeches of our learned friends that such resolution was in fact discussed in the last Jammu session of the Praja Sabha. If that is so I would ask the office to give me the exact information with regard to this matter. If that be so then under Rule 81 of the Rules of Business we are debarred from discussing this resolution in the present session. I do not want that time should be wasted in discussing this resolution any further. My submission is that Rule 81 debars us from discussing this resolution in the present session. Rule 81 runs as follows:—

"When a resolution has been moved and has not been withdrawn with the leave of the Assembly, no resolution or amendment raising substantially the same question should be moved within one year."

My information, so far as my memory goes, is that this resolution was slaughtered on account of no time having been left for its being discussed any more. When my learned friend Mr. Ram Nath Sharma while replying to

the debate on bhalf of the Government in his very detailed speech said something about the Customs Department. Last year this resolution was tabled.....

MR. GHULAM MOHMMED SADIQ In 1936.

MR. LOK NATH SHARMA : I think it was talked out in the year 1937.

MR. GHULAM AHMED ASHAI (Deputy Secretary Publicity): What was the date ?

MR. LOK NATH SHARMA : I do not remember. I have asked the Secretary to give me the information.

SECRETARY PRAJA SABHA : I have called for the information.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): In the meantime the debate will go on.

MR. LOK NATH SHARMA : This information can be made available from the office in no time.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): The office has been asked to give the information.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR : So far as I remember, last year's Jammu session commenced in April and therefore it must be in April.

MR. LOK NATH SHARMA : It was the last day for the non-official resolutions

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Enquiry is being made from the office about this matter. Any member who wants to speak on the resolution may speak so long as the required information is not forthcoming.

LALA SHIV NATH NANDA : Perchance if it is found that we cannot discuss this resolution in this session, then there will be no necessity of further discussion.

PANDIT AMAR NATH KAK : May we know, Sir, what the wording of that resolution was ?

PANDIT JIA LAL KILAM : Exactly the same.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : It seems that some mistake has been made by the office. The resolution is in the same words.

(Reads out the resolution.)

It seems that the office failed to draw my attention to this fact. This resolution cannot be put before the House within a period of one year under Rule 81. The last resolution was moved on 29th April 1937, the present resolution cannot be discussed.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Now Khawaja Ali Mohammed shall move the following resolution standing against his name.

"This Praja Sabha recommends to the Council that so long as communal representation in services is not made up on population basis, all services be reserved for the members of that community, which is not fully represented."

KHAWAJA ALI MOHAMMED : (Written speech) Hon'ble President. Injustice and partiality always breed discontentment Indifference and injustice towards the Muslims in the matter of recruitment in services is on the increase. It is a sheer lie to say that the Muslim are not taken in services because they are not highly educated. We find that less educated non-Muslims have been appointed on higher posts while comparatively more educated Muslims are being overlooked.

Sir, the State is just like a big home. As it is the duty of the manager of a family to look to the needs of all the members with an impartial eye similarly it is the duty of all the Governments to provide work and bread to communities living in their countries. The promotions and appointments that have been made by this Government recently bring to light the fact that highly educated Muslimswhowere LL. M. (London); Bar-at-Law; M. A's; M O. Ls; and M A., LL B's. have been ignored and less qualified non-Muslims have been preferred. The underrepresentationof Muslims has not been cared for. It is most essential to state that the commands of His Highness on the recommendations of Glancy Commission Report which were carried to some extent before Ayyanger ministry came in power, are now no longer kept in sight and thus those persons who have taken upon themselves the responsibility of maintaining law and order are disobeying the commands of His Highness which is no less than a crime.

Sir, the Government should always bear in mind that a discontented labourer instead of being helpful causes harm to his employer. If recruitment of non Muslims in Government services is not stopped in order to make up the deficiency of the Muslims on population basis, and efficient and deserving Muslims are not encouraged by giving them promotions and making their appointments on new posts, then it is quite possible that the disheartened servants and educated Muslims may create difficulties for the Government. Every body in the world knows that the present Government is mercilessly trampling the rights of the Muslims while making new appointments or giving promotions. Claims of Muslims have altogether

been ignored by Ayynager ministry while appointing so many superior officers, in various Departments. It is really surprizing to find that when there is any question of the appointment or promotion of any Muslim, the post is kept vacant for long, and sometimes it is reduced or when Assembly session comes at hand, a few Muslims are appointed or given promotion temporarily in order to throw dust in the eyes of the public.

Anyhow in order to give full representation to the Muslims it is the duty of the Government that until the deficiency of the Muslims is made up in every grade of service in all the Departments, all the promotions and appointments of non-Muslims should be stopped. Therefore I move this resolution and appeal to the House to support it.

MIAN QURBAN AHMED : I support Kh. Ali Mohammed.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): (Addressing Pt. Amar Nath Kak) You also move your amendment so that it may also be discussed at the same time.

PANDIT AMAR NATH KAK : Sir, the amendment I want to put before the House is as follows :

(*a*) that the words "on the basis of merit" be substituted for the words "on population basis" occurring in the 4th line of the resolution *i. e* in the resolution the words "on population basis" deleted and the words "on the basis of merit" be substituted

KHAWAJA GHULAM MOHAMMED SADIQ : Sir, I invite your attention to Rule No. 29 clause (2) of Rules of Business, under which my learned friend Pt. Amar Nath Kak is debarred from moving his amendment because it has the affect of a negative vote. Mr. Kak wants that the words "on the basis of merit" be substituted for the words "on the basis of population". The learned mover has expressed his intention in this connection. If the amendment of Mr. Kak is taken into consideration the result would be that the object of the resolution would be defeated. There is already a precedent before the House for such cases. When the demand for the appointment of an Unemployment Commission was made we proposed an amendment at that time. It was that along with the words "educated unemployed" the words "uneducated unemployed" may also be added. The ruling given on this point was that as the amendment had the effect of a negative vote on the resolution, hence it could not be allowed.

PANDIT AMAR NATH KAK : I want to submit a few words in response to this objection. Any resolution that

is passed by the House goes to the Council in the form of a recommendation and it is always a substantial part of that resolution. The substantial part of this resolution remains in tact. What are the reasons for making such a recommendation ? One reason which the learned mover has stated is that he wants the recruitment to be made on population basis. My submission is that the recommendation may be there but it should be restricted to some extent. As regards the second part of my amendment there is no objection about it.

I will submit, Sir, that if we take into consideration the recommendation which is the substantial part of the resolution, we find that my amendment has not the effect of negative vote on the resolution. Therefore Rule No. 29 does not apply to my first amendment.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): If there were written the words "on communal merit" in the resolution then your amendment would have been alright, but you through your amendment want to substitute these words by the words "on merit". This resolution has been moved for the sake of getting the communal representation made up by stopping the further recruitment of communities which are already fully represented.

PANDIT AMAR NATH KAK: Sir, there is absolutely no idea of a negative vote. The spirit of the resolution remain intact even if we take up the amendment along with it. I am prepared to agree to services being reserved for the under-represented communities. My amendment only restricts or amplifies the resolution It has not the affect of a negative vote.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Is it within the scope of the resolution ?

PANDIT AMAR NATH KAK: Yes, within the scope of the resolution which has been moved.

MR. PRESIDENT (The Hon ble Mr. Justice K. L. Kichlu): It amends the scope of the resolution How would the resolution read when amended accordingly ?

NOTE.—Mr. Kak read out the resolution as it would read when amended

So far as its negative effect goes, it seems from the ruling referred to above that what was intended was the "scope of the resolution". Wherever it has the effect of a negative vote such amendment is not allowed But it has been generally seen that such amendments are allowed for the sake of convenience in the Legislative Assemblies. In United Provinces Legislative Assembly

amendments which have the affect of a negative vote on the original resolution are allowed to be moved. No doubt exception can be taken to the negative vote. It does not make any difference if it is not allowed because the members do not favour it. There are precedents with regard to this matter. In the Legislative Assemblies of the United Provinces such amendments were easily allowed for the sake of convenience.

MR M. A. BEG: Sir, is the rule in United Provinces parallel to ours?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Yes.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER: The same - all coming from one source.

(AFTER LUNCH).

(NOTE.—Sheikh Ghulam Mohammed, Registrar Co-operative Societies, took the oath of allegiance).

PANDIT AMAR NATH KAK: Sir, the hon'ble mover while moving his resolution has invited the attention of the House to the fact that they have felt the necessity of bringing forth this resolution because the present ministry has not carried out the recommendation of the Glancy Commission which were being carried into practice by the previous Government. He also complained that the present method of recruitment is based on partiality and the Government is paying very little attention towards the claims of the majority community. He has put forth this argument, as well, that despite the fact that able and educated persons are available in the majority community still they are being denied Government services.

He quoted from the Glancy Commission recommendations and said that they were not being followed in practice. In this connection, I would like to draw the attention of the House to pp. 19 and 24 of the Glancy Commission Report.

On page 19 it is stated "In course of time pure competition may come to regulate all appointments; but in the present state of affairs the standard should not be more exacting than the efficiency demands etc."

On page 24 it is stated that "The object is to afford every community a fair chance of representation nor is it practicable to lay down any definite proportion or percentage for the representation of each community in State service" etc.

If the hon'ble member had based his resolution on the

recommendations of the Glancy Commission Report he should have known that population cannot be made the basis of recruitment to Government services. It is undoubtedly true that the Glancy Commission recommended that every community should be given a fair representation in Government services ; but this does not mean that if the percentage population of a community be 76, and that of another 24 ; then, these communities should be given 76 and 24 posts respectively. When the Glancy Commission made its recommendations, then, it was brought to the notice of the Commission that since the percentage of educated people in the majority community is very low therefore, some minimum qualifications should be fixed for them for recruitment to Government services. But the learned mover has stated today that although in his community efficient and highly-educated men are available, still they cannot secure jobs. We see that education is free for all in the State and that students are receiving scholarships in very large numbers. When so many facilities have been provided for imparting education, then, there appears no reason why merit should not be fixed as the sole criterion for filling up Government jobs, particularly when educated and efficient men are available in great numbers.

The third point which I want to say is that the argument which is so often put forward here is that compared to other States our State is much backward. And it is often mentioned in speeches that the conditions in Hydrabad and Mysore are very different ; that the customs duty there is very low, compared to which the customs duty is much higher in our State. It is emphasized in the House that the practices of those States should be followed here also. If we take the example of those States in regard to the present resolution and compare the services in the two, then it will appear that if the majority community in our State constitutes 76 per cent. of the population then the majority community in Hydrabad constitutes 86 per cent. of the population. A representation was made by the majority community to the Hydrabad Government wherein it was urged that their representation in Government services should be in proportion to their population. They complained in their memorandum that in the Judicial Department there were 173 employees belonging to the minority community and that there were only 17 belonging to the majority community ; therefore, they should be given a fair representation. At that time :—"It was stated by Sir Akbar-Hydari that the administration could not be based

on percentage of communities but on consideration of merits and efficiency."

SHEIKH MOHAMMED AMIN: Which paper are you referring to ?

PANDIT AMAR NATH KAK: The first reference was from the Statesman and the second from the "Hindu".

SHEIKH MOHAMMED AMIN: So by quoting examples, you want that similar example be set up here also.

KHAWAJA GHULAM MOHAMMED SADIQ: Hydrabad is very backward.

PANDIT AMAR NATH KAK: Is it ? All right ? This resolution flouts the nationalistic claims of the Conference group when it insists that merit should be sacrificed and services should be given in proportion to the percentage population. On one side it is said that we have got educated and capable youngmen who do not get any jobs; on the other they do not allow the word "merit" to appear in their resolution but rather, they emphasize that if my amendment is accepted then it will negative the resolution. It clearly shows their intention that the word "merit" should not touch their resolution. It will be pointed out what would be the result of ignoring merit and giving Government posts according to the percentage of population—but it is for the Government to say how adversely would the want of merit effect the efficiency of work and the general administration of the offices. But since we also form a part of the Government it should be its duiy not to sacrifice merit to make good the communal representation in Government services. It is our duty also to see that merit is not sacrificed and the efficiency of the administration is maintained. Let alone this, it is our duty to see what effect will this move have on the minds of the 24 per cent. of the population. So long as they do not get effective weightage they can not be safe. But when a community says that the Government should pass into our hands on the population basis, then, that community is making a big constitutional mistake from view point of national development. Therefore, to divide a people into different compartments on basis of religion is wrong from the view points of the nation. Religion should have nothing to do with politics and no individual should consider himself entitled to secure employment because he holds certain religious views. Religion should be entirely one's personal affair and not an important part of politics. On the other hand the resolution means that their should be recruitment on religious basis. It is in this manner that the upholders of

nationalism stand exposed and it show their mentality. This attitude of theirs has produced unrest and the feeling of insecurity amongst the minority communities. I want to draw your attention to a few revelations which have come to light during this very session. I want to read out the replies to some of the questions that have been read in the House. I think it was in reply to question No. 109 which was answered by Hon'ble the Finance Minister on first or the second day, in which it was asked whether in order to give promotion to a certain person, he had not to supersede so many others and that he was not better qualified than they were. In reply it was stated that 204 employees were senior to him and were better qualified but he was promoted on communal consideration. While it is so, it was said that the Glancy Comm.ssion recommendations are not followed in practice ; rather, I would say, that the present ministry is showing undue favour to the majority community and have as a matter of fact gone further than the Glancy recommendations. It was not right that a person should supersede 104 employees just because of communal consideration. But this is what a Hindu Head of the Department of the present Government has done.

MIRZA M. A. BEG. : Was this appointment made during the tenure of the present ministry.

PANDIT AMAR NATH KAK : I definitely remember this for it was during the time of Thakur Sahib that this case of supersession over 104 employees took place.

Now I turn to the objections raised by Khawaja Ali Mohammed. He stated that efficient and qualified persons are available but they are neither given any promotions or appointments nor is communal representation kept in view. In this connection I draw your attention to the replies to my questions No. 110 and 113. These questions also concern the Finance Department. One person was asked to pass a certain examination and was told that if he did not pass the examination then he would not be promoted. But although he failed to pass the examination yet he was promoted. The reply which was received on behalf of the Government was that he failed because he was short of few marks in three papers. Now those three papers are:—

1. Kashmir Service Regulations.
2. State Treasury Code.
3. Audit Code.

Although it is impossible to pull on with the work in the office of the Accountant General without knowing these three papers, still this person was granted promotion. There

was another question. Last year another person was granted promotion—what examination had he passed.

Similarly in question No. 113 it was asked if there are no orders to the effect that he will not be granted promotion unless he passes a certain examination. The reply was 'Yes.' But since no qualified Mohammedan was available therefore the promotion was given to him. The next question was, was there any condition that he would be transferred to Audit Section after promotion? The reply was 'yes.' This was the condition but he was not transferred to the Audit Section because a certain recommendation was made in his favour. Upon enquiry as to the nature of the recommendation it was stated that since no better Mohammedan was available, therefore he was promoted to the next higher vacant post. When it was further asked whether a better qualified Mohammedan was not available the reply was 'No.'

Then statistics were called from them. In question No. 395 it was asked from them as to how many Assistant Accounts Officers, P. W. D Superintendents, Examiners, Auditors and Clerks have been recruited and how many of them were Hindus and how many Muslims The reply was that two Assistant Accounts Officers were recruited and both of them were Mohammedans; one Superintendent: Mohammeden, Hindu none; Examiners: two Mohammedans, Hindus none; Auditors ten: seven Mohammedans; P. W. D. Accountant one: one Mohammedan; Forest Accountants three: two Mohammedans and one non-Mohammedan.

Sir, inspite of this partial treatment it is said that for all future appointments merit should not be the criterion for recruitment and that appointments should be made on population basis.

This is what those people claim who think they are dealing justly to themselves. May I ask them if this is justice? Is this justice? Is not the present treatment which is meted out to them more than was contained in the recommendation of the Glancy Commission? No person who values his opinion or is justice-loving will ever, can ever deny. In the face of these facts and figures that the present attitude of favouritism has exceeded all bounds. Now the clear intention of closing down services for minorities means that their existence should be made impossible. Under these circumstances there is a spirit of restlessness and anxiety in the minds of the minorities. The trend which the present state of affairs has taken forces us that we should oppose the promotion. I should have supported this motion if it had

contained the word merit. My friends affirmed that they too have got merit. If it is so then they should come out into the field for an open competition and if their merit is superior then it should undoubtedly be encouraged. And while this should be the criterion for recruitment to services the minority should be given weightage which should be effective and not of the type that has been given to us *i. e.* only three seats should be given representation to Kashmiri Pandit community or that their should be only eight or ten members to represent the entire Hindu community. Such a weightage cannot at all be regarded as effective. The weightage should be such as should be effective in the real sense of the term and it should be granted to people in all grades and in all walks of life. Keeping this principle in view which is based on partiality I have opposed this resolution

SHEIKH MOHAMMED AMIN: Sir, I want to speak very briefly about the resolution which my learned friend Mr. Ali Mohammed has moved in the House and to which Mr. Kak has moved an amendment.

As a matter of fact the resolution has not been moved under influence of any communal consideration but it has been moved for the common good of all. We daily see that the rights of the backward communities are trampled over and it is to safeguard their interest that the present resolution has been moved. But it is a pitty that it is taking a communal turn It has been alleged that the Conference party is communally minded but if the wordings of the resolution are closely examined then it will appear that it is neither stated in the resolution nor is this the intention of any one that only Muslims should be granted posts according to their population. It includes the Sikh community also regarding whom we hear questions and complaint from day to day that they are not given a fair representation in services.

PANDIT AMAR NATH KAK: They also have moved an amendment.

SHEIKH MOHAMMED AMIN: It is possible that there may be one. Besides, I will submit regarding the Harijans that their represeutation in services is almost nil for which they are daily complaining. The Conference party always keeps all such matters in view and sees that those communities whose rights, are being ignored should be safegnarded.

You cannot fight against nature if a certain community is in majority. In my opinion the House should change its

attitude in such matters so that it may be possible to restore peace and order in the State.

Sir, it is the Government services which are chiefly responsible for communal differences in the State. If a community represents that it should be conceded its legitimate rights, then, such motives are imputed to them that their minds are easily poisoned The Harijans, Sir, are poorly represented in Government services and the Muslim Conference party has asked several questions about them. Sikhs also suffer from the same disability. What is most provoking here is not that only Hindus have been employed in the State but rather the question that those who have held some responsible position have always looked forward to helping their own men And the result has been that other communities got occasion to complain I will quote before you several instances. As against the example cited by my friend Mr. Kak about the Finance Department, I would state that, almost all the employees of the Accountant Generals' office are Kashmiri Pandits. Will it be communal question if Mohammedans, Harijans and other communities complain that they should also be given a fair share in Government jobs. In my opinion you are not only doing grave injustice to others but are also fomenting unrest in the people. I submit, Sir, that although no qualification is necessary for the menial staff yet in the Public Works Department out of a total of 120 menials only 23 are Muslims. Is it not depriving the Muslims of their rights, and is this justice?

Is it not necessary, therefore, that services should be granted to the various communities on basis of their population. Even the Glancy Commission admitted the reasonableness of this complaint. And the pleas of merit etc. which are put forward are merely excuses and are baseless.

Besides this, it was also recognized by the Glancy Commission that un-qualified non-Muslims had been appointed in different Departments. Now, your honour can fully appreciate how far the discussion led by the Kashmiri Pandits is based on facts.

I want to assure you that it is a fallacy that now-a-days the Mohammedons cannot stand the test of merit. It is not at all so. The question is regarding the appointing authority. Even the Glancy Commission admitted that in several cases the most properly qualified Mohammedans were ignored; and unfit and unqualified people were appointed instead, because of the desire to help one's own kith and kin. Sir, I submit is it necessary that only Kashmiri

Pandits should be in majority in every Department and the rights of other communities be ignored. I would like also to state the remarks which the Chief Auditor made regarding Pandit Jia Lal, Nazool Officer, that he should not be given any promotion because he has not received Revenue training.

PANDIT LOK NATH SHARMA: You should not come down to personalities or else we can also say a lot.

SHEIKH MOHAMMAD AMIN: Why do you get excited? Sardar Sohan Singh Bhandari and Thakur Mahaish Chandar were deprived of their chances; and rights of several Mohammedans were also ignored.

PANDIT LOK NATH SHARMA: There is nobody with the name of Pandit Mahaish Chandar.

SHEIKH MOHAMMAD AMIN: Lala Mohaish Chandar. All these persons were ignored and promotion was granted to a Kashmiri Pandit only. Sir, as my friend Mr. Kilam cited the case of the Frontier Province I would like to state the case of the Punjab Government by way of example. The Punjab Government has also fixed population as the basis for recruitment to Government services and this is what we also demand. We do not want that only Mohammedans should be given a major portion in services but you can also have the necessary weightage due to you.

PANDIT AMAR NATH KAK: Give us effective weightage.

SHEIKH MOHAMMAD AMIN: We are willing, but this time old monopoly which has deprived many qualified Mohammedans, Sikhs and Rajputs from services cannot last for long. Our plea is that the representation of under-represented communities should be increased to the extent they deserve it. Sir, the Punjab Government has fixed the proportion of Muslims in services at 50 per cent. The Bombay Government have appointed one special officer to report what percentage in services should be granted to each community so that everybody gets a fair representation I donot oppose the Kashmiri Pandits; but, it is not right for them to think that they alone should be given cent. per cent. posts. Nor, for that matter is it right for any other community to think the same.

Sir, in a certain department there is not a single Mohammedan employee—not even a peon (of course there was one peon but he died long ago). In the office of the Director of Industries there is not a single Muslim clerk.

PANDIT LOK NATH SHARMA: Who is the Superintendant there?

SHEIKH MOHAMMAD AMIN: He is a Muslim; but I spoke of clerks.

VOICES: Superintendants are also clerks.

SHEIKH MOHAMMAD AMIN: There is not a single Muslim — not even a peon. Is this the type of merit you want to fix as a basis for recruitment to Government services. In my opinion those who want that there should be peace and contentment in the country will support this motion. Therefore, while supporting the resolution, I would submit that any gentleman who might speak in favour or against the resolution should not give it a communal colour.

PANDIT LOK NATH SHARMA: As you did.

SHEIKH MOHAMMAD AMIN: I just answered the questions.

MOULVI MOHAMMAD ABDULLA: We should not practise one thing and preach another. Why should we not face the fact that there are communal differences in our State. We have one thing at heart; we do another in practice, this is not proper. We are not at all concerned with the treatment that is meted out to the Kashmiri Pandits. In principle Government jobs provide neither palliatives nor lead to professions but they are fortunately or unfortunately the cause of the communal differences which exist in the State. There are diverse parties in the State who hold that religion does not have any value for them; they lie, for they exhibit an altogether different mentality on the platform. When these members will repudiate their faith in religion outside the Assembly, it shall be then, that I shall believe what they talk inside the House.

On the platform they resort to other tactics. It is a palpable fact, even if Mr. Kak may talk eloquent and the Conference group may decry it , that the communal feelings do exist in the State.

The majority of Muslims are either cultivators or *mazdoors* and they have been subjected to hardships from times immemorial. We roused their feelings in the name of Islam and religion; how then is it possible to weed out religion. Besides, can we join on the same table; are our economic problems identical? No, not at all! The political life of a people depends upon their culture; mode of living and interests affecting their common-good. There is not a single political body in the State for we are Mohammedan, Hindus and Sikhs first and last. Let you judge, are not Dogras also Hindus? Are not the Kashmiri Pandits Hindus? But inspite of that, whenever there is an opportunity matters take a different turn. The community

which does not enjoy any political prestige in the eyes of the Government will always remain under subjugation.

The question was not why jobs are given to the Kashmiri Pandits but the question was that the Mohammedans, who are in majority, are in abject subjection; and the zamindars who are called 'Hattus" are being cruelly treated. It was this treatment which raised a feeling in the minds of the Mohammedans that they should also develop their political status.

The question is that every community is represented in Government services. Before the Muslim Conference had come into existence His Highness had issued a proclamation which was read out to the public by Raizada Trilok Chand that it was the intention of His Highness the Maharaja Bahadur that no community should deprive the other of his just rights and that a reasonable proportion be fixed for different communities for their representation in Government services. This proclamation was read out at the loud speakers. If you feel and think that the Mohammedans are politically advanced now and that they have got sufficient representation in the Government services then, in that case, I would be the first person who would say that merit should be the criterion for recruitment to Government services.

If with the help of cogent arguments you can prove that the present political position of the Muslims is secure and that they are no longer backward and have secured reasonable representation in services, then, I would ask what is the number of Muslim Ministers in the State?

VOICES: Fifty per cent.

MOULVI MOHAMMAD ABDULLA: Well, if their representation is 50 per cent. are they giving reasonable representation in their own departments to the Muslim community?

PANDIT AMAR NATH KAK: This you may ask them.

MOULVI MOHAMMAD ABDULLA: Pandit Amar Nath Kak should not have opposed this resolution because he observed in his speech that the present Government has gone much further than the Glancy Commission recommendations

If the present Government is indeed going beyond the Glancy Commission recommendations then, why are they opposed to it.

PANDIT AMAR NATH KAK: In order that the Government do not exceed all bounds.

MOULVI MOHAMMAD ABDULLA: You did not put any limit,

PANDIT AMAR NATH KAK : We did point that out.

MOULVI MOHAMMAD ABDULLA : Regarding "majorites" and "minorities" I would state that it is only the wise and the learned who can constitute a majority. Here is a verse from Dr. Iqbal, who was also impressed with the intelligence of Kashmiri Pandits.

ایں برہمن زادگان زندہ دل لالہ احمر دہی شان دہد

"Even roses blush when the son of a Brahman smiles."

If against the Kashmiri Pandits there are enough Mohammedans who can safeguard the interests of their community, then the proposal of the Pandit is quite reasonable.

If you put Mohammedans to test on score of merit, then, I assure you they will all fail and lag behind their competitors. Any one who can see between the lines will find that who-so-ever is participating in the discussion has some axe to grind; and it cannot be gainsaid that there is a virus of communalism running in their speeches. The Mohammedans say that they till the soil, are in majority and therefore, they have superior rights and that is why we have all this tall talk.

It is much better to be frank and above-board. We should not be turn-coats. But here one listens sometimes to preachings of nationalism, at another of socialism. I say it in unambiguous words and with the best of intentions that the communal spirit is detrimental to our progress. It shall be, then, that I will be convinced of your nationalism when you will not recognize any difference between a mosque and a temple even outside the House. Sometimes you espouse the cause of Sikhs; at others of Harijans and, at still others, of Achhuts. Why don't you say that there is something else at the bottom of this move.

The political viewpoint which I represent holds that religion and politics are not two different things, but rather both are one.

On score of population we are in majority ; we pay revenue ; we are afflicted and aggrieved ; and therefore, we submit that our rights should not be ignored and we should be given a fair representation in services.

This is what justice demands ; and therefore I support the resolution.

COLONEL ABDUR RAHMAN : Mr. President, I support the resolution on the following grounds :—(*a*) Before the

appointment of Glancy Commission the number of Muslim employees in the State was equal to nil.

PANDIT LOK NATH SHARMA : That was when he was a Colonel.

COLONEL ABDUR RAHMAN: It was after the Glancy Commission recommendations that the Muslims were recruited into Government services.

R. B. THAKUR KARTAR SINGH : That was when he retired from service.

COLONEL ABDUR RAHMAN : But the method of recruitment is so slow that it will, practically, take them a century to realize their due representation in services. If the recruiting officers had strictly followed the commands of His Highness the Maharaja Bahadur and taken some interest in the question then, by now the Muslims should have nearly got their share. That would have satisfied the Mohammedans and there would have been no need for such resolutions as these.

The relation between the non-Muslim officers and the Mohammedans in general is now more strained than ever because the Mohammedans are struggling for their rights. The Muslim press is championing their cause; questions are asked in the Assembly and all this puts the Mohammedans out of favour with the non-Muslim officers. That is the reason why the non-Muslim officers are getting unsympathetic towards the Muslims.

R. B. THAKUR KARTAR SINGH : Was the same treatment meted out to you also ?

COLONEL ABDUR RAHMAN : Don't get impatient please. I will not run away but I will stay half an hour even after the session so that I may answer your questions. There is a saying in Punjabi دکھ یار دا نے ویں کرے بھراواں دا ناں لے ("Smitten by secret grief for her lovershe weeps as if for her brother.")

While the fundamental trouble here is about the recruitment to services, we are being asked unnecessary questions. Just realize the magnanimity of Mohammedans; inspite of the fact that they form eighty per cent. of the population they are content with only fifty per cent. in services while there are those who constitute only 20 per cent. of the pupulation but they consider that they are entitled to 50 per cent. posts.

(*c*) I was submitting that if there be just one solitary Mohamraedan officer in a district he finds himself helpless in the face of so many non-Muslim officers and therefore his presence or absence is of no material advantage to the Mohammedans.

The Mohammedans form the bulk of the population; but the officers are generally non-Muslims. It is absolutely imperative for the Government and the people that the Government grant services to each community on the basis of their pupulation so that justice should be done to all.

The result of this would be that all those who fill the Government treasury with revenue will be able to get back some return in proportion to their population in the from of Government jobs.

(*d*) As the Harijans are very backward in education, they deserve our every sympathy. If any Harijan is able to pass his Middle or matriculation examination, he has to face many difficulties in securing a job; as the Government does not pay any heed to them. But I hold that inspite of their being backward in education there is enough field for their employment. For example they could be employed as Siphaies in the Police, as watchers in Game areas; as guards in the forests, as peons in the Government offices and as Chowkidars in the villages.

My submission is that since Harijans as included amongst the Hindus, therefore, it is necessary that some percentage should be fixed for them and special care should be taken to employ them.

With these words I support the resolution.

SHEIKH ABDUL HAMID: (To L. Shiv Nath) You may speak after Sardar Hari Singh has moved his amendment and after somebody has supported it.

SARDAR HARI SINGH: Mr. Kak said that merit should not be ignored in recruitment to services. The other party has urged that the different communities should be represented in services on their population basis. I do not agree to either; hence, the following amendment.

In answer to several questions asked in the House by the Sikhs it was stated that in Government services recruitment cannot be fixed on a population basis: although the percentage is taken into consideration when making an appointment.

I will submit that Sikhs are the largest tax-payers in the State. Sikhs are mostly land-owners and about ninety-five per cent of them are agriculturists. Therefore, we want that the words "on a population basis" be deleted from the resolution and the Government should be allowed to make appointments on any principle it thinks best. Since on a population basis our community pays more tax and has always served the Government in more than one ways; therefore we wish that in view of our services our

rights may also be safe-guarded. We too are responsible for running the machinery of the Government but we are altogether ignored in services.

Now to the question whether services should be given on a merit basis. In this connection I would submit that on account of our military services we could not settle at one place. During the rule of the late Maharaja Gulab Singh Ji and Ranbir Singh Ji men of our community were asked to settle down in Poonch and Muzaffarabad and other places for the protection and up-keep of forts. Since the Sikhs largely settled in the villages, therefore very naturally they were left behind in education. And, if merit is fixed as the only criterion for employment to Government services naturally the Sikhs will get nothing. Now, of course, by the kind favour of His Highness the Maharaja Bahadur education has become very common and Sikhs are also receiving education. But, as yet they have not had so much of education as to be able to compete with others. It was for this very reason that the Glancy Commission recommended that the rights of backward communities should not be ignored in services; and therefore, merit should not be fixed as a criterion for recruitment.

Somebody remarked that we should ask questions about our own communities. It is perfectly right and we do ask questions; but the replies which we receive also go to show that in some departments we have absolutely no representation. We are a minority community and we live in constant dread. But we trust the Government will protect our rights; or else, being a minority, we cannot live. We do hope the Government will give a sympathetic consideration to our pleas and will remove our grievances.

The basis for recruitment to services should neither be "merit" nor "population". But there will be this objection, that in the absence of merit it will be difficult to run the Government. I would submit that the qualifications requisite to a post may be fixed as the minimum necessary for that post but a little more consideration should be shown to the minority communities. Of course, it is possible to better the lots of the Sikhs, but that is what the Government can do; because our community does not command such resources as to afford our sons the best of education. We live in rural areas and our sons come from those far off places to receive education. The Government does not grant them any scholarships etc. The Government should try to follow the recommendations of the Glancy Commission rather than accepting the present resolution and the amend-

ment. Therefore, my amendment is that services should be given neither on "merit" nor on population basis. I support the resolution to this extent that every community should be given a reasonable representation in services.

SARDAR KANHAYA SINGH: Sir, the resolution before the House is that Government jobs should be given on a population basis. So far as the question of making appointments on population basis is concerned I am opposed to it, and cannot support that aspect of the resolution. I submit, Sir, that the question is not of Sikhs, Hindus or Muslims; but, it is an important question and it behoves every Government to grant weightage to the backward communities. All the world over the communities which are backward in education or which are not adequately represented in services are all generally encouraged. It should be the first duty of every Government to grant reasonable help to the backward communities.

SHEIKH MOHAMMED AMIN: I want to clear certain misunderstandings; that is, population should be the basis of recruitment and we are prepared to grant weightage also. As a matter of fact this is just the intention of the resolution and you might regard the word "weightage" as if it had been included in the resolution.

PANDIT AMAR NATH KAK: Where is the word "weightage". It is not there.

SHEIKH MOHAMMED AMIN: The object is the same. We will not grudge that privilege which the other nations have laid for the minorities.

SARDAR KANHAYA SINGH: The intention of weightage as Mr. Kak pointed out was "to grant effective weightage in all grades of appointments". This is, as it should be; for weightage to be anything must be effective. I submit that in all the sessions of this House I drew the attention of the Government through questions and resolutions to the deplorable condition of the backward communities and enquired about steps that had been taken to ameliorate their position. The reply from the Government has invariably been that all possible efforts are being made to raise their position. Our friends quote from the Glancy Commission Report and advance arguments to their support. But I submit that the Government has already gone much further than it should have. All claims of seniority have been ignored, qualifications have been cast to the winds, just to further the cause of a particular community. Even my friends will have no reasons to disbelieve me for it is pretty clear from the answers that the Government has given on

various occasions, that the rights of senior and better qualified men belonging to other communities have been ignored just to increase the representation of the Mohammedans. (Hear, Hear)

Speaking for my own community I would say that many obstacles are being raised to thwart our progress. I feel that it is the duty of the Government to grant effective weightage to backward communities. It is also the duty of the Conference party to remove the misunderstanding and make it clear that they are prepared to grant effective weightage to the backward communities. To say, is one thing; to do, is another. It will appear from a perusal of the proceedings of previous years that the set replies we have been receiving from the Government benches to our resolutions and questions have been that "the matter is under consideration" or that "we are thinking how to encourage the backward communities". But we wonder how long will this matter remain under consideration. We verily feel that we are a minority and it is our duty that, as a minority, we should have full trust in our Government. It should be the constant endeavour of the Government to raise the backward communities. Although it is often contended by the Government that steps are being taken, to ameliorate the position of backward communities, we find that nothing is done in actual practice. Nobody listens to the backward communities. While some affirm that merit should be the sole criterion for recruitment to Government services, others hold that merit should not be the basis. So far as administration is concerned the Government is fully justified in accepting the principle of merit as the basis of recruitment to services and encouraging the more advanced community.

I ask who is responsible for the progress of the advanced communities and who for the neglect of backward ones. I submit that it is the Government which made the advanced communities what they are—the Government encouraged them, gave them jobs and as a result they became more advanced. Now, it is the duty of the Govenment to lift these backward communities which have been neglected so long. I submit that up-to-date the Government has spent nearly 6½ lakhs for giving foreign scholarships to State-subjects. When the Government started to send candidates for foreign training it set up a department for this purpose. But from that time not even a single Sikh has been sent abroad on State scholarship. We kept on crying; we urged for a scholarship; and we insisted that a chance

may be given to us also to go to foreign countries so that we may become as capable as the other communities. We strove and said, "It is our right"; but unto this day nothing has been done to ameliorate our position. We have been denied all facilities for education. I should also like to state that there are some sections of the Hindu community who are in majority in Government services and whose representation is consequently affecting the Hindu community in general.

As a matter of fact there are many sections even in the Hindu community which are under-represented; while there are others which are over-represented.

The backward communities have just now to face two major difficulties. Firstly, that the majority community is bursting all barriers of content; for they think that since they are under-represented in services they should be given 80 per cent. posts right away. On the other hand highly educated people insist that merit should be the sole criterion for recruitment to Government services. We don't come in either the one category or the other. We claim neither merit nor majority. To develop a backward minority it is necessary, that until some basis is fixed for communal representation in services, they should be given reasonable facilities for their amelioration. It is the duty of the Government to see that justice is done to all; particularly, to those backward minorities, who labour hard, plough the field and contribute considerable sums to the Government Treasury. The Government should see whether they lead a life of peace; if not, they should take steps to ameliorate their condition.

Either way we see before us a sea of troubles. We have moved an amendment to the resolution that at least the helpless backward communities should be given weightage so that they are able to lead a life of peace and contentment. The rights of all communities should be safeguarded. Our brethern, who constitute a majority say that posts should be granted on population basis. Their demand should also be borne in mind. But while it should be so, the rights of the backward communities, whether they are Harijans or Sikhs, should also be protected.

From very ancient time our community has been serving the State, and in the beginning, the State gave us every encouragement. Now if we quote examples of pristine Governments they think we are talking of

antiquated things and are asked not to unearth the dead. We are asked to talk only of the present. Since we have given the best possible proofs of loyalty and faithfulness; it is the duty of the Government to encourage us. But the case here is just the other way about; and we find that our position is most insecure. Time and again we have enquired about the number of Gazetted Sikh officers from the Government but the reply has invariably been disappointing. If the Government were to examine its Civil list then it would find nothing else in it except the fact that it is thoroughly disappointing.

Repeatedly we drew the attention of the Government to the fact that before the recommendation of the Glancy there were as many as thirteen Sikh Gazetted officers. But now their number has dwindled down so much that it has become a source of anxiety to us. Our Ministers should devote some anxious thought to this question. It is a matter of surprise that after the recommendations of the Glancy while the representation of other communities should have increased that of the Sikhs should have gone down. We ask this of the Government and the reply we are given is that "Keeping in view their population the Sikhs are already receiving a much larger share." But the fact is as was pointed out by Mr. Kak, if only population was to be kept in view, then the Sikhs deserve absolutely nothing. Some say it is not the population which is the basis. If population is not the basis, then why our paucity in Government services.

It is a very widely accepted principle that the Government always grants special concessions and facilities to the backward communities. We want that we should be given what is our due. When illiteracy is removed from our community and we come up to level with the other communities we will also join with Mr. Kak in saying that merit should be the sole criterion for recruitment to Government services. But, just at present, while taking population into consideration the minority communities and especially their backwardness should not be lost sight of.

Therefore, I support the amendment of Sardar Sahib and want to draw the attention of the House to the fact that we have not come here to quarrel; hence this question should not bring about any unpleasantness amongst us. Whereas it is expedient for the majority community to treat us like brethern it is also the duty of the Government that it should extend a hand of welcome co-operation to the

backward communities to ameliorate their position and to see that the rights of the minorities are not ignored.

LALA SHIV NATH NANDA : Sir, the resolution which has been moved by my worthy friend is fraught with difficulties and I do not think any community can keep aloof from it. If we carefully examine the wordings of the resolution, we will find that it contains no provision for the minorities. The aim is that all the Government posts should be given to Mohammedans on ground of their majority, and that is why, every time the attention of the Government is drawn to the Glancy Commission recommendations. Not a single question, resolution or speech is made in the House, which does not contain any reference to the Glancy Commission. As I pointed out once before also the Glancy Commission Report which is looked on by the Government as a Bible is a one-sided report. I put a question regarding this book asking whether it was not ex-parte report. And I was told in reply that it was not one-sided because one Hindu Pandit Prem Nath Bazaz was also a member of the Commission.

I think that the reply of the Government does not give us facts ; for the truth is that when Glancy Commission was appointed two members were selected from the Hindus to represent their community: Pandit Prem Nath Bazaz was selected to represent the Kashmir Hindus and Pandit Lok Nath Sharma was appointed on behalf of Jammu Hindus. Later the Hindus thought that the Glancy Commission had been thrust upon them and it was very unlikely that justice will be done to them. Keeping these facts in view the Hindus boycotted the Commission.

My friend Mr. Lok Nath Sharma was called off telegraphically from Srinagar. The Pandit Sahib, respecting his honour as well as that of the community decided to boycott the Commission, and returned home. But the representative of Kashmir did not listen to the call of his community . This was the position of themembers of the Commission and in the face of these facts it is said that the Commission was quite impartial. Now it is on the recommendation of this Commission that the Mohammedans claim for more jobs, more land and more schools ; and want that the other communities may be neglected.

As was pointed out by Pandit Jia Lal Kilam it is a fact that only recently the Sheikh said in a speech on the occasion of the Muslim Conference meeting that he wanted to change the name of the "Muslim Conference"

into the "National Conference" and that all communities should join hands ; and from a common platform make joint representation for their demands and think of ways and means to develop the nation and the conntry.

In this connection I would like to say that if really this is the intention of my friend and he wants that there should be no communal antagonisms in the State which are all due to the Glancy Commission Report ; then, he should have said, "Yes, friends, the Glancy Commission Report is the root of all troubles"; and should have urged the Government in a resolution to lock this "Bible" up in some golden cabinet for being stored away in the Public Treasury. Only then would I have felt that Mohammedans mean fair play and what they say is right. But that was not done. On the other hand in the present resolution, it is urged that recruitment to Government services should be made on a population basis and so long as their due representation is not reached all Government jobs should be denied to other communities. What is there to convince us that the claim of the Mohammedons to being nationalists is correct. We want to make it perfectly clear to them that the majority is helpless without the minority. If they want to succeed, then they should treat the minorities fairly, and the best way to do that is that the Conference Group should urge the Government to put aside the Glancy Commission Report. If you take this step and the Government does not follow it; then we will certainly join you. Some people insist that the Glancy Commission has laid the foundation of communal differences. Beyond doubt, Mohammedans should be given more jobs but it should also bear in mind that we do not neglect our brethern of the backward communities *i. e.*, the Sikhs, Hindus and the Harijans. Even the Glancy Commission Report does not mention anywhere that recruitment to services should be made on a population basis. Regarding appointments, I would invite a reference to pages 33 or 34 of the Glancy Commission recommendation which will show that even Mr. Glancy did not consider it proper to fix a proportion for representation in Government services. Messrs Abas and Ashai who are sitting on the official benches were members of the Glancy Commission but they too never expressed this intention that recruitment to services should be made on a population basis.

This resolution is unworkable. In their speeches the supporters of the resolution have shown much sympathy

for the Sikhs and the Harijans. But this sympathy to be of any use requires that we throw aside the Glancy Commission Report.

Besides, my Muslim friends should remember that agriculture is their hereditary occupation. My friend also remarked that in the Punjab recruitment is made to Government services on communal basis. I submit that we should carefully look into the Ailan made by Sir Sikandar Hayat Khan, which is so beautiful and deserves to be written in letters of gold. It says, "If recruitment is to be made on population basis, then we will have to appoint worthless, and underserving people".

I will say it to my friends that from good old days we have been on very cordial relations. There was a time when men of your community used to escort our ladies when they had to go out. Now you want to put an end to those relations. You should withdraw this resolution so that our relations should remain as steadfast as before. Everyone should be granted rights to the extent he is entitled.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Time is up.

VOICES: His time is up, Sir.

LALA SHIV NATH NANDA: Sir, my friends don't like my speeches because I tell them unpalatable truths. No community which has this mentality as has been exhibited in the speeches made in support of the resolution can ever progress. When you treat all communities on terms of equality it is only then, and then alone that you can progress. Therefore, my friends should coolly consider this matter and withdraw the resolution. I would also suggest it to Hon'ble the President and the Hon'ble Prime Minister that leave to discuss such resolution in the House should not be granted.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Everybody does not seem to agree to the idea of prolonging the sitting by an hour and, I am afraid, we will have to take it up tomorrow. Now Lala Hans Raj will speak.

LALA HANS RAJ: Sir, I will submit that it is the lure of services which is the root-cause of all the unrest in the State. In this connection, I would like to point out that after the first disturbance two commissions were appointed and they made their reports. Apparently action was taken on them; but, as a matter of fact, they were both shelved. Not long after Glancy Commission was appointed. It was a political Commission and its main aim was to pitch

up communities against each other and to create bad blood.

MR PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Are you speaking in favour of the resolution or against it ?

LALA HANS RAJ : Sir, I oppose the resolution. If this resolution is passed the condition of the people will grow from bad to worse. I don't want that communal feelings should be hightened. Now, what I want to say is that if the Government wants that people should be peace-abiding, then, it should not allow such resolution to be discussed in the House. There is no doubt about the fact that there are two chief causes why people long for Government services. You should weed out corruption and lower the standard of pays so that it can be made available for being spent on the welfare of the people. People want Government jobs because there are the temptations for bribery and position. If chances for bribery are altogether ruled out, you will find that there is no demand for services.

VOICES: Hurrah.

LALA HANS RAJ: The Glancy Commission has already recommended sufficient share to our fellow brethern. We want that every one should get his due share. I will exhort my friends to adopt better means for removing unrest from our country. If the resolution is passed, you will, of course, get a few jobs more; but you will not be able to live in peace.

The clock struck four and the House adjourned till the next working day.

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THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)

VOLUME VIII

10TH DAY

(30th March 1938)

NON-OFFICIAL RESOLUTIONS

EIGHTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



JAMMU.

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1938.

Jammu and Kashmir Praja Sabha

President :

THE HON'BLE MR. JUSTICE K. L. KICHLU,
RAI BAHADUR.

Secretary:

PANDIT HIRANAND RAINA, B. SC., LL. B.

Assistant Secretary:

MR. MOHD. NASIR-UD-DIN KHAN, B. A., LL. B.

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JAMMU AND KASHMIR PRAJA SABHA.

March-April Jammu Session 1938.

Wednesday the $\frac{30th\ March\ 1938.}{17th\ Chet\ 1994.}$

The Praja Sabha met in the Praja Sabha Chambers at Ajaibgarh Jammu at eleven of the clock.

Mr. President (The Hon'ble Mr. Justice K. L. Kichlu) in the chair.

QUESTIONS AND ANSWERS.

568. Haji Ahmedullah Shahdad: Will Hon'ble Home Minister please state: (*a*) that Mr. Mehdiratta, Inspector of Schools, Kashmir Circle, has issued orders to the effect that from game-fee sports material should be purchased from only two firms when cheaper and durable material can be had from other firms also?

(*b*) Have not the Education Department approved list of some firms for the purchase of sports material for schools?

If the answer to the above be in the affirmative, then will Hon'ble Home Minister please call an explanation from Mr. Mehdiratta in this matter?

Pandit Ram Nath Sharma (On behalf of the Hon'ble Home Minister): (*a*) Orders for the purchase of games material are issued by the Games Committee and not by the Inspector.

(*b*) The Department of Industries has done it and not the Education Department.

(*c*) Does not arise.

569. Haji Ahmedullah Shahdad: (*a*) Will Government please state the number of cattle which died in Kashmir in 1936-37 and which had been assessed to Kahcharai?

(*b*) Is it a fact that in spite of great loss of cattle, the Kahcharai tax was realized and is still being realized from the people?

If reply to the above be in affirmative, it may please be stated what orders have been issued by the Government in the matter? If not, why?

Khan Bahadur Raja Mohammed Afzal Khan (On behalf

of the Hon'ble Revenue Minister) : (*a*) and (*b*) No loss has been reported. The points raised do not arise.

570. HAJI AHMEDULLAH SHAHDAD : (*a*) Will Hon'ble Home Minister incharge please state on what grounds P. Sri Kanth, Daroga Jail, Srinagar and L. Manohar Lal, Head Clerk of the Office of the Chief Medical Officer were dismissed from service ?

(*b*) Was the file completed after making an enquiry into the cases of these two officials ?

(*c*) What action was taken on the enquiry report ?

(*d*) If replies to parts (*a*), (*b*) and (*c*) be in the affirmative, what are the reasons for reinstating these officials and will the enquiry report be read before the house. If not, why ?

PANDIT RAM NATH SHARMA : (*a*) P. Sri Kanth was not actually dismissed but was ordered to retire from service in view of certain complaints brought against him by one of his subordinates.

P. Manohar Lal was retired on invalid pension and not dismissed.

(*b*) Yes, in the case of P. Sri Kanth.

(*c*) *Vide* (*a*).

(*d*) P. Sri Kanth has been reinstated in service on a lower rank, on appeal. My answer to the last portion of (*d*) is in the negative.

571. HAJI AHMEDULLAH SHAHDAD : Will the Hon'ble Home Minister please state the number of officials who have been taken in the Education Department, Public Works Department, Electrical Department, Police Department, Medical Department, Telephone and Telegraph Departments, Jail and Press Departments since the time he took the charge of the post of the Home Minister and how many of them are Muslims and how many non-Muslims ?

PANDIT RAM NATH SHARMA : The number of Muslims and non-Muslims appointed in the Departments under the Home Portfolio since the time the present Home Minister took charge of the Portfolio is as follows :—

	Muslims.	Non-Muslims.
Medical, Jail and Press Departments	55	41
Education Department ...	148	99
Police Department ...	13	9
Public Works Department ...	2	4
Electrical, Telegraph and Telephone Departments ...	19	16

SARDAR KANAYA SINGH : The number of the Sikhs may please be stated ?

PANDIT RAM NATH SHARMA : Sikhs are included in the Non-Muslims.

SARDAR KANAYA SINGH : Figures may also please be stated separately ?

PANDIT RAM NATH SHARMA : You can see the list which is published after every six months. the number required is given therein You have the Government Gazette with you.

572. HAJI AHMEDULLAH SHAHDAD : Are Government aware that although in accordance with my resolution a Serai has been constructed at Idgah for providing a place of shelter to the travellers, no arrangement has been made for supply of light and water ? Are Government prepared to make arrangements for providing the Serai with light and water ?

(*b*) If reply be in the affirmative when will arrangements be made ?

PANDIT RAM NATH SHARMA : (*a*) Yes, the Serai has been constructed. A sum has been allotted for water pipe connection during the current year.

(*b*) Yes.

573. SARDAR DHIAN SINGH : (*a*) Is it a fact that in reply to my question Q. D. No. 677 in the Srinagar Session 1937 it was stated that the question regarding the supply of electric current to the city of Mirpur was receiving consideration and an enquiry will be made for the supply of water from the Hon'ble Revenue Minister ?

(*b*) Is it also a fact that nothing has been done in this matter so far ?

(*c*) Will Government please state as to what action has been taken in connection with the supplying of these two necessities and when will the work for supplying of water and electric light be started ?

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) and (*c*) The matter is receiving attention.

SARDAR DHIAN SINNH : Is attention being paid to it ?

PANDIT RAM NATH SHARMA : There are so many schemes. At present it is being considered as to which of them will be more useful, which will require more time in completion and which less.

SARDAR DHIAN SINGH : At what stage has the case reached ?

PANDIT RAM NATH SHARMA : You should hope that it will soon be decided

SARDAR DHIAN SINGH : The suggestion has been made in

respect of the supply of water but what means will be adopted for the supply of electricity ?

PANDIT RAM CHAND DOBEY : When arrangements for water are made, the question of the supply of electricity will also be given effect to because electricity is generated from water (Laughter).

574 SARDAR DHIAN SINGH : (*a*) Will the Government please state how many Hindu and Sikh students are receiving education in the Abdullahpur School of Mirpur District ?

(*b*) If there are no Hindu and Sikh students in this school, then what was the necessity of appointing a Sanskrit teacher there and why should he not be placed in such school where both Hindu and Sikh students could be benefited ?

Will the Government issue instructions in this behalf ?

PANDIT RAM NATH SHARMA : (*a*) —

Hindus	...	...	2
Sikh	...	...	Nil

(*b*) The matter is under consideration.

SARDAR DHIAN SINGH : My question was that if there are no Hindu and Sikh students in this school, then. what was the necessity of appointing a Sanskrit teacher there and why should he not be placed in a school where both Hindu and Sikh students could be benefited ? Will Government please issue instructions in this behalf ?

PANDIT RAM NATH SHARMA : The reply is that the matter is under consideration.

SARDAR DHIAN SINGH : Since there is no Hindu or Sikh student, it is of no use to appoint a Sanskrit teacher there. Please transfer him to such a school where he is required.

PANDIT RAM NATH SHARMA : His transfer case is under consideration of the department.

575. SARDAR DHIAN SINGH : Are Government aware that the road leading from Mirpur *via* Chomukh to Sri Pratapsinghpura being a fair weather road becomes unfit for tonga traffic in rainy weather ?

If this be a fact, will the Government meet the expenses from the village uplift fund for metalling this road ? If not, why ?

PANDIT RAM NATH SHARMA : The portion of the road from Mirpur to Chomukh is in charge of this Department and the rest in that of the Revenue Department. The portion from Mirpur to Chomukh is a fair weather road and it will be metalled when funds are available for the purpose.

The villages uplift fund is not at the disposal of the Public Works Department.

SARDAR DHIAN SINGH: When will funds be provided?

PANDIT RAM NATH SHARMA; When you will grant sanction for the provision of money in the budget.

SARDAR DHIAN SINGH: It is you who have to grant money. Who listens to our demands.

PANDIT RAM NATH SHARMA Arrangements are being made.

SARDAR DHIAN SINGH: How long will these arrangements take to be completed?

PANDIT RAM NATH SHARMA: Very soon. The matter is under consideration.

LALA RAM LAL VAKIL: Have you ever paid a visit to it.

PANDIT RAM NATH SHARMA: Yes, we have received a report which states that it is in a decent condition.

576. SARDAR KANAYA SINGH: (*a*) Is it a fact that before the appointment of Glancy Commission Sikhs held many Gazetted appointments *e. g.* some were Chief Ministers and some were Secretaries to His Highness the Maharaja Bahadur?

(*b*) (*i*) Is it a fact that after the report of the Glancy Commission some communities got a higher percentage in Government service; and

(*ii*) many Sikhs instead of getting their due rights did not get even the appointments which they were holding previously?

RAI BAHADUR PANDIT RAM CHAND KAK: (On behalf of the Hon'ble Prime Minister): (*a*) The Sikhs held Gazetted appointments before the appointment of the Glancy Commission as they have been holding since then.

(*b*) (*i*) No percentage has been fixed by Government for any community in regard to appointment to Government service, but endeavour is being made that all communities should have a fair share in those services.

(*ii*) It is not possible to earmark a particular appointment for a particular community.

SARDAR DHIAN SINGH: I could not understand parts (*a*) and (*b*) of your reply.

RAI BAHADUR PANDIT RAM CHAND KAK: (Chief Secretary): Should I read it again?

SARDAR DHIAN SINGH: Yes.

NOTE.—Chief Secretary read out the reply in the House.

SARDAR DHIAN SINGH: You talk of the past. They were holding then, not now.

RAI BAHADUR PANDIT RAM CHAND KAK: (Reading the answer) It is apparent from the reply that they were holding these appointments then and are still holding them.

SARDAR DHIAN SINGH: But their number has decreased considerably.

RAI BAHADUR PANDIT RAM CHAND KAK: That was not your question Your question was whether before the appointment of the Glancy Commission many sikhs held many gazetted posts. The reply is that sikhs held gazetted appointments before the Commission as they have been holding since then.

SARDAR DHIAN SINGH: The question was whether many sikhs appointed to the gazetted posts were holding the posts before the Commission and whether they are still holding such posts?

RAI BAHADUR PANDIT RAM CHAND KAK: Yes, they are.

SARDAR DHIAN SINGH: Please state their names.

RAI BAHADUR PANDIT RAM CHAND KAK: Please give notice for that.

SARDAR DHIAN SINGH; It is not a question to be ignored It is very important. You should consider it more cooly.

RAI BAHADU : PANDIT RAM CHAND KAK: He wants me to give a list of Sikh gazetted officers He can refer to the Civil List for the information.

SARDAR DHIAN SINGH: You have stated that many Sikhs are holding gazetted appointments even now. Please mention any one of the names of the Sikh officers.

RAI BAHADUR PANDIT RAM CHAND KAK: Just listen the names of Sikh officers, *i. e* Sardar Balwant Singh, Sardar Attar Singh, Sardar Pratap Singh, Prithvi Nandan Singh and there are other many Sikh officers in the Medical Department and the Revenue Department as well

SARDAR DHIAN SINGH: Is the number (of Sikh gazetted officers) the same now as it was in the past.

RAI BAHADUR PANDIT RAM CHAND KAK: I cannot say definitely whether it is the same or not, but even now Sikhs are appointed to gazetted posts

SARDAR DHIAN SINGH: I want to invite the attention of the Hon'ble Prime Minister to the matter.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR (Prime Minister): We have already said if you look into the answer in part (*b*) of the question, you will find that endeavour is being made—I may add constantly made.

577. SARDAR DHIAN SINGH: Is it a fact that in reply to my Q. D. No. 678 in Assuj-Katik 1994 Session of the Praja Sabha, it was stated that orders have been issued for payment of the outstanding amount to the sufferers of 1988 for construction of their houses, but on enquiry it

appeared that no such payment has ever been made. Will the Government please state the reasons why such urgent orders of the Government have not been complied with ?

RAI BAHADUR PANDIT RAM CHAND KAK : Enquiries made from the Assistant Engineer Mirpur have elicited the information that Lalas Lekh Raj and Nand Ram have been paid Rs 1,250 and Rs. 875 against the sanctioned amounts of Rs. 1,500 and Rs. 1,000 respectively. The balance could not be paid as the amount sanctioned for grant of relief was exhausted. Arrangements for paying the balance are being made by provision of additional funds.

SARDAR DHIAN SINGH : It was replied in the last session of the Praja Sabha that some payment was made and the outstanding amount might have been paid. But it is a fact that the payment of the amount has not been made so far and still a promise is being made to pay up the amount in the near future. Please state the reasons why payment of the outstanding amount has not been made so far ?

RAI BAHADUR PANDIT RAM CHAND KAK : This was not the reply. The reply probably was that payment of the balance might have been made. The Government did not know that they had been paid Rs. 1250 and Rs. 875.

SARDAR DHIAN SINGH : (Repeated the question).

RAI BAHADUR PANDIT RAM CHAND KAK : The reply has been given.

578. SARDAR KANAYA SINGH : Is it a fact that different treatment is accorded to travellers by Custom's officials at Customs Posts, with regard to their personal luggage and many travellers are not fully aware of the Customs Regulations ? Will the Government issue instructions for posting a list of personal luggage at a conspicious place at every Customs Post, so that travellers may be able to know which articles of personal luggage are exempt from customs duty ? If the reply be in the negative the reasons thereof may kindly be stated ? It may also be stated why such a practice has not so far been adopted ?

PANDIT RAM NATH SHARMA : Personal luggage is passed free of duty according to the position and status of the importer. Instructions have already been issued for posting a list of personal luggage at the Customs Post for information of the travellers

SARDAR KANAYA SINGH : When were these instructions issued ?

PANDIT RAM NATH SHARMA : Rest assure : The lights have been posted here and there and the instructions have also been issued.

579. LALA SHIV NATH NANDA : Will the Government please examine the papers relating to the proposed Societies of shop-keepers of Ramban and Banihal and state how far the complaint is that obstacles are being placed in the way of societies consisting of members of non-agricultural classes and Hindus in the matter of registration ?

K. B RAJA MOHAMMED AFZAL KHAN : One society of shop-keepers Banihal Tehsil Ramban was registered on 20th Sawan 1994. No papers of any other society of Banihal have so far been received. It is incorrect that obstacles are placed in the way of societies, whose members may be non-agriculturists or Hindus. But there is no denying the fact that societies are started very carefully and not promiscuously.

580. LALA SHIV NATH NANDA : Is it a fact that it is being complained by a section of the public that no arrangement has been made by the Government for fodder for the sick and weak bovine animals and that all the Rakhs being in the possession of the Government are closed for grazing purposes ? If the reply be in the affirmative will the Government please make necessary arrangements ?

KHAN BAHADUR RAJA MOHAMAD AFZAL KHAN : *1st part.* No complaint has been received in this connection so far.

2nd part.—In the neighbourhood of Rakhs within which grazing is prohibited other grazing facilities are generally available for such animals.

3rd part. Does not arise.

581. LALA SHIV NATH NANDA : (*a*) Will the Government please state the total number of Limited Companies existing in the State ?

(*b*) Do such companies supply regularly the required information under the law to the Registrar ?

(*c*) Are there any such compaines which have not supplied regularly the required information to the Registrar Joint Stock Companies ? If so their names may please be intimated ?

Will it be stated as to what action has been taken against such delinquent companies ?

R. B. PANDIT RAM CHAND KAK : (*a*) The number of joint stock companies on roll including Foreign Companies is 42.

(*b*) and (*c*) The Companies registered in the State with a few exceptions are usually late in filing the returns.

Action in respect of the delinquent companies is being taken according to merits of each case.

LALA SHIV NATH NANDA : Sir, I had enquired about the names.

R. B. PANDIT RAM CHAND KAK : I am sorry it has not been given in the reply. This information will be supplied to you.

582. LALA SHIV NATH NANDA : Is it a fact that in the Kandi *Illaqa* tank water is used for drinking purposes and is it also true that the use of this water causes the threadworn disease which is highly dangerous to human life ?

If the reply be in the affirmative will Government state what steps are being taken to check this disease and how much amount was spent during the last five years on the treatment of this disease.

PANDIT RAM NATH SHARMA : (*a*) Tanks as well as wells are the source of water supply in Kandi *Illaqas*. Use of tank water may be the cause of producing Guineaworm disease and not threadworm.

(*b*) The Medical Department is only concerned with the provision of treatment for patients suffering from this disease who are treated in the Government Dispensaries. Figures of expenditure are not kept disease-wise and this information cannot be supplied.

LALA SHIV NATH NANDA : Should I add to the reply the part which you have read just now.

PANDIT RAM NATH SHARMA : Yes, thank you.

LALA HANS RAJ : When will the removal of the inconvenience be expected ? Will it come to an end within two or three years ?

PANDIT RAM NATH SHARMA : Endeavours are being made to remove the difficulty very soon.

583. LALA SHIV NATH NANDA : Is it a fact that in the Srinagar College only Rs. 2 per month are charged as fees from the B. A. students while in the Jammu College fee is charged at the rate of Rs. 4 per month ?

If the reply be in the affirmative will the Hon'ble Home Minister please state reasons for charging double the fees in Jammu College.

PANDIT RAM NATH SHARMA : Reply to the first part of the question is in the affirmative. This is an old practice and the question of revision of fee is already under consideration.

LALA SHIV NATH NANDA : How long will it remain under consideration.

PANDIT RAM NATH SHARMA : Till consideration is required no more.

LALA SHIV NATH NANDA : Why should it not be suggested that the word "Consideration" be written in bold letters on a board, which may be hung in the House so that nobody may feel the necessity of repeating the word again and again (Laughter).

584. MOULVI MOHAMMED ABDULLA : (*a*) Are the Government aware that every year the zamindars are made to dig pits for the plantation of mulberry trees ?

(*b*) How many such pits are prepared annually in Kashmir Province ? A Tehsil-wise list may be supplied ?

(*c*) Have Government fixed any sum for planting trees ? What is that amount ?

(*d*) If reply to part (*a*), (*b*) and (*c*) be in the affirmative, then it may be stated whether the zamindars are paid wages to prepare these pits ? If so at what rate ?

R. B. PANDIT RAM CHAND KAK : (*a*) Yes, but the work is not done by the zamindars under coercion but willingly and ungrudgingly.

(*b*) The number of holes dug for plantation of mulberry trees is not the same every year, but varies accordiug as plantations have to be laid out year after year, in diffierent localities. During the last year 75,685 holes were dug for mulberry plantations in different Tehsils as per detail given below:—

Baramulla	...	...	9,550
Uri	...	...	2,500
Uttermachhipura	...	...	13,000
Tehsil Khas	...	...	5,135
Sripratapsinghpura	...	...	9,000
Awantipura	...	...	12,000
Kulgam	...	...	12,500
Anantnag	...	...	12,000
Total	...	...	75,685

(*c*) Excepting for chargesincurerdon differennt operations

involved in the raising of plants in Nurseries their uprooting, and carriage from Nurseries to the places where they are transplanted, no provision is made in the Budget for planting of mulberry trees.

(*d*) No, the reason being that the zamindars have their own advantages in carrying out these plantations. Mulberry plants are, however, supplied to them free of cost.

585. MOULVI MOHAMMED ABDULLAH : (*a*) Will Government please state the period of service of the Superintendent Chief Electrical Engineer and when he is to retire ?

(*b*) Is it a fact that inspite of his having put in 34 years' service, the Government want to grant further extension ?

(*c*) Has the present Chief Electrical Engineer recommended for extension in favour of this Superintendent How many days after he assumed charge this recommendation was made ?

PANDIT RAM NATH SHARMA : (*a*) The Superintendent after about 34 years' service is due to retire in Chet 1994.

(*b*) There is no such intention.

(*c*) Does not arise.

586. MOULVI MOHAMMED ABDULLAH : (*a*) Will Government please state when the Electric Department was established in the State and how many Superintendents have so far been appointed in this Department.

(*b*) Whether any Muslim Superintendent has been appointed so far at any time?

What are the reasons for not appointing any Muslim Superintendent for such a long time?

(*c*) Are Government prepared to appoint a Muslim Superintendent ou the retirement of the present Superintendent? If not, why?

PANDIT RAM NATH SHARMA : (*a*) Electric Department established in Samvat 1968. Only 1—since Magh 1985 when the post was created.

(*b*) No

No occasion

(*c*) The matter is under consideration.

587. MOULVI MOHAMMED ABDULLAH : (*a*) Are Government aware that there is a trout hatchery in Nullah Maow, in tehsil Kulgam ?

(*b*) Have some guards been posted at this Nullah by the Games Department ?

(*c*) Did the Irrigation Department refuse to give water to the zamindars at the time of irrigation and its officials under the pretence of protecting trout fish filed suits in the

court against the zamindars and got them punished ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) There is no trout hatchery in Tehsil Kulgam under the Game and Fisheries Department.

(*b*) and (*c*) Do not arise.

588. MOULVI MOHAMMED ABDULLAH : (*a*) Will Government please state the total amount received as sanitation fund in each province upto Phagan 1994 and whether Rs. 40,000 out of this fund have been sanctioned for rural uplift ?

(*b*) On what works in the first instance this sum will be spent ?

(*c*) Is there any objection in spending this sum on the village roads wholly or partialy ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: (*a*) *1st part*.—Rs. 1,51,064 in Jammu and Rs. 2,35,528 in Kashmir Province.

2nd part.—No.

(*b*) Mainly on Sanitation.

(*c*) Yes, for village roads there is a separate fund known as (Roadcess).

589. KOTWAL LAKSHMI RAM: Is it a fact tbat in accordance with the Ailan issued at the time of Coronation zamindars were permitted to use conifer trees standing on their land, as their own property, but were not allowed to sell ?

Will Government permit for the use of such trees without any restriction ? If not why ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(*b*) No, because the restriction imposed is in the interests of zamindars themselves.

590. KOTWAL LAKSHMI RAM: Is it a fact that there is no bridge over the Tawi in Udhapmur District, Tehsil Ramnagar at Kahsaru Targan, where a great difficulty is felt in crossing the river ? Every year several persons got drowned there. Will Government consider the question of construction of a bridge at the place mentioned above ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: Yes, there is no bridge over the Tawi. The question of constructing a bridge will be taken up when funds permit

591. KOTWAL LAKSHMI RAM: Are Government aware of the fact that the inhabitants of Urana Gatta, Gurai, Shanag, Rambag, Sarolbag, etc., Tehsil Bhadarwah are agriculturists?

(*b*) Is it a fact that the zamindars of these villages from the very beginning of the proposal for bringing their villages under Town Area Committee protested against it by

submitting several applications?

(*c*) If the reply to the above be in the affirmative, will the circumstances under which these villages were brought under Town Area Committee be stated?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: (*a*) Yes.

(*b*) Yes.

(*c*) These villages were included in the Bhadarwah Town Area limits under Section 3 (*a*) of the Town Area Regulation No. 4 of 1990. Orders have already been issued to Provincial Governors to submit proposals after examining the constitution of Town Areas within their respective Provinces with a view to retain or exclude agricultural villages from Town Area limits. This question and reply will be forwarded to the Governor concerned.

592. MIAN AHMED YAR: Will the Government please state why the services of Muslims were not obtained for filling up the posts of the Director of Industries and Chief Electrical Engineer?

RAI BAHADUR PANDIT RAM CHAND KAK: The attention of the member is drawn to the answer to Q. D. No. 192 (Serial 165) given on 19th March 1938.

593. MIAN AHMED YAR: Will the Government please state what principal was kept in view in giving promotions recently on the posts of Sessions and Additional Sessions Judges, and whether the same principle was followed at the time of filling up the post of the Chief Medical Officer?

RAI BAHADUR PANDIT RAM CHAND KAK: The principle kept in view was efficiency and fitness combined with seniority; and this principle was followed in the case of the Chief Medical Officer also.

594. MIAN AHMED YAR: (*a*) Will Government please state if Government pensioners can become members of any political body?

(*b*) If the reply be in the negative, have the Government taken any action against those Government pensioners who are the members of the Dogra Sabha?

RAI BAHADUR PANDIT RAM CHAND KAK: There is no restriction on the activities of pensioners so long as the provisions of Article 168 of the Kashmir Service Regulation are not infringed.

SARDAR DHIAN SINGH: Does Government take any action against the Government officials and pensioners who take part in these affairs?

RAI BAHADUR PANDIT RAM CHAND KAK: In this connection an article of the Kashmir Service Regulation has been referred to. If they defy the law then action is taken

against them.

595. MIAN AHMED YAR: Will the Government please state if they are prepared to issue a circular with a view to notifying to the agriculturists the concessions granted to them as regards demarcated forests?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: This question is already under the consideration of the Forest Enquiry Committee as the Praja Sabha Sad is aware.

596. MIAN AHMED YAR: Will the Hon'ble Minister-in-charge of the Public Works Department please state the income derived from road-toll for the last five years from the Jhelum Valley Road and Banihal Cart Road and the actual annual expenditure incurred thereon in addition to that of the establishment.

Expenditure on each head in this behalf may kindly be stated separately?

PANDIT RAM NATH SHARMA: *Ist Part.*—The income derived from Road-toll for the last 5 years is given as below: —

1989-90	...	...	10,40,501
1990-91	...	...	10,03,829
1991-92	...	...	9,79,982
1992-93	...	...	11,62,625
1993-94	...	...	9,59,034

(*Part 2nd*).—Statement showing annual expenditure on Banihal and Jhelum Valley Road for the last 5 years.

No.	Particulars.	1989-90.		1990-91.		1991-92.		1992-93.		1993-94.	
		Annual Repair.	Original Work.	Annual Repair.	Original Work.	Annual Repair.	Original Work.	Annual Repair.	Original Work.	Annual Repair.	Original Work.
1	Banihal Road ..	2,08,738	30,009	2,00,190	25,881	2,09,252	3,510	2,04,004	28,760	1,91,548	30,963
2	Jhelum Valley Road ..	1,67,239	43,327	1,64,948	53,198	2,06,054	4,536	1,81,378	21,918	2,03,774	278

597. PANDIT GOVIND RAM KABU: Will the Government please state: (*a*) What is the number of those graduate teachers in the Education Department who draw less than Rs. 40 per month?

(*b*) What is the length of their service.

(*c*) When did they pass the B. A Examination.

(*d*) Whether the Government is considering the question of raising their salaries? If not, why not?

PANDIT RAM NATH SHARMA: Eleven,

Between one and eight years.

Three or four years back.

Yes. There is a provision in the rule governing appointments in 44 grade for giving special lifts to deserving departmental graduates.

598. PANDIT GOVIND RAM KABU: Will the Government please state: (*a*) The name, designation, qualifications and pays of the Heads of the various Departments?

(*b*) If their pays vary, the reasons why they vary may please be stated?

RAI BAHADUR PANDIT RAM CHAND KAK: (*a*) The member is referred to the Civil List which gives the required information.

(*b*) The salaries of different posts are governed by the nature and importance of the responsibilities and duties attaching to them and the need for attracting and retaining the right type of men for such posts.

599. PANDIT GOVIND RAM KABU: Will the Government please state: (*a*) (*i*) Whether it is a fact that at first four seats were allotted to the Kashmiri Pandits in the Praja Sabha; and

(*ii*) that the number was then reduced to three to enable the Government to allot a seat to domiciled community of Hindus in Kashmir, namely 2nd and 3rd class State-subjects among the Hindus of Kashmir?

(*b*) Whether it is a fact that because the so called domiciled community of Hindus in Kashmir are scattered all over the valley, this seat was not classed as elected but as nominated?

(*c*) Whether it is a fact that Lala Shiv Nath Nanda represents this community?

(*d*) If the answer to the above questions be in the affirmative, it may please be stated whether the Government is prepared to debar a Hindu State-subject of 2nd and 3rd class to stand as a member of the Praja Sabha in the ensuing elections representing Rural Hindu Kashmir seat? If not, why not?

Rai Bahadur Pandit Ram Chand Kak: (*a*) The Kashmir Constitutional Reforms Conference originally recommended four elected seats for the Hindus of the Kashmir Province, (not Kashmiri Pandits alone), but the Franchies Committee recommended only 3 elected seats and 1 nominated seat, the latter for the representative of the domiciled Hindus. The Government accepted the recommendations of the Franchies Committee.

(*b*) The reasons for the fourth Hindu seat being a nominated seat are given in the Franchise Committee Report (*vide* page 7 para 14).

(*c*) Yes.

(*d* No. Government do not consider that there is a case for amendment of the existing rules.

600. Pandit Govind Ram Kabu: Will the Government please state: (*a*) What has been the income to the Town Area Committees of Anantnag, Sopore, Baramulla and Muzaffarabad from the date of their start uptil now?

(*b*) How much of this income has been spent on salaries of officials and how much on the improvement of these towns?

(*c*) What improvements have been effected in these towns for all these years?

Khan Bahadur Raja Mohammed Afzal Khan: (*a*), (*b*) & (*c*) The following statement gives details of income and expenditure of Baramulla, Sopore, Anantnag and Muzaffarabad Town Areas since the date of their start:—

	Baramulla.	Sopore.	Anantnag.	Muzaffarabad.
	Rs.	Rs.	Rs.	Rs.
Income of Town Area ..	60,025	47,926	25,394	14,098
Contribution from Sanitation Cess Fund ..	10,525	2,200	6,451	960
Total ..	70,550	50,126	31,845	15,058
Expenditure.				
Conservancy ..	19,314	16,724	15,355	11,608
Fire Brigade ..	11,412	3,678	1,965	365
Management ..	2,279	1,717	1,196	420
Contingencies ..	1,142	1,038	657	615
Works of Public Utility ..	4,405	2,646	12,488	2,010
Water Supply ..	....	....	1,397	....
Total ..	38,852	25,803	33,062	15,018

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601. PANDIT GOVIND RAM KABU: Will the Government please state: (*a*) Whether the Town Area Committee of Baramulla has decided to supply pipe water to the town?

(*b*) Whether any steps have been taken towards this purpose and what those steps are?

(*c*) Whether Government has been approached by the Committee to help them with funds for this purpose? If so, what action has the Government taken towards this question?

(*d*) Whether Government, in view of the importance of this town, is prepared to help this committee with sufficient funds so that it may be in a position to supply drinking water to the people of this town?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: (*a*) Yes.

(*b*) Estimates for purchase of machinery and installation of the plant have been called for. These are at present under check.

(*c*) The Sanitation Cess Board has undertaken to contribute towards the cost of the scheme. The Committee will spend 50 per cent. of the cost.

(*d*) Does not arise.

602. WAZIR GANGA RAM: Will Government please place on the table a statement showing the posts of clerks and chaprasis that fell vacant in the Revenue and Sanitary Departments in Reasi during the last five years? How many of such posts were filled by the local persons and how many by the outsiders?

What were the grounds of preferring outsiders to the local persons?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: *First part.*—Revenue Department: Three vacancies in the clerical line and 16 in the menial staff occurred in the Reasi District during the last 5 years.

Second part—Thirteen posts were filled up by local men and six by outsiders.

Third part.—The clerical posts went to outsiders according to seniority. Excepting 3 menial vacancies against which makeshift arrangement was made by outsiders, all other vacancies were filled up by local men.

Forest Department: One post of clerk and one of chaprasi fell vacant in the Reasi Forest Division during the last five years. The former was filled up by a recruit outside Reasi and the latter by a local man. For the former no suitable local man was available.

603. WAZIR GANGA RAM: Will Government please undertake the construction of bridge over Nallah Ujh on

Kathua-Jammu Road at an early date ? If not, why ?

PANDIT RAM CHAND KAK : The estimate for the bridge over Ujh near Jasrota is under preparation. A provision of Rs. 60,000 was demanded in the current year's budget proposals, but it could not be allotted as funds were tight. The provision will be repeated in the next year's budget proposals.

604. WAZIR GANGA RAM : Is it a fact that in reply to question No. 458 of Pandit Ram Chand Dobey in October 1935 regarding the appointment of Harijans in Government Service, Hon'ble Prime Minister was pleased to state that this question will be taken into consideration after Durbar moves down to Jammu Will Government please state what action did the Hon'ble Minister take in this direction. If not what are the reasons therefor ?

RAI BAHADUR PANDIT RAM CHAND KAK : The question referred to by the Hon'ble Member was in regard to the employment of Harijan Matriculates. Applications, when received, from such persons are given due considerations If the Hon'ble Member will supply a list of Harijan Matriculates desirous of securing employment under Government, special efforts will be made to provide them with suitable berths, on occurrence of vacancies.

WAZIR GANGA RAM : Has any application been so far received ?

RAI BAHADUR PANDIT RAM CHAND KAK : Yes, We have received a few applications but without any specific suggestions.

WAZIR GANGA RAM : Did Ram Rakha Mal Harijan make any application to the police.

RAI BAHADUR PANDIT RAM CHAND KAK : I do not know anything about it. I cannot say about other departments. We tried to get them without their applying. I asked the Inspector General Customs to appoint this man but the man did not accept the post that was offered.

PANDIT RAM CHAND DOBEY : Was any Harijan appointed to any post last year ?

RAI BAHADUR PANDIT RAM CHAND KAK : This is a new question.

LALA RAM LAL VAKIL : Is it incumbent upon the peons to pass the Matriculation examination.

PANDIT LOK NATH SHARMA : It is not necessary ; but it will be still better if it be so conditioned.

605. WAZIR GANGA RAM : Is it a fact that in reply to question No. 461 of Pandit Ram Chand Dobey in October 1935 regarding Kar Sarkar the Hon'ble Revenue Minister

was pleased to state that this question will be taken into consideration after Durbar moves done to Jammu.

Will Government please state what action did the Hon'ble Minister take in this behalf ?

If no action has been taken, why so ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: *1st part.*— Yes.

2nd part.—In view of the fact that all transport arrangements are now made either through contractors or through Tehsil authorities no further action was considered necessary.

3rd part.—Does not arise

WAZIR GANGA RAM : As stated transport arrangements are made either through contractors or through officers, cannot the contratcors do all the work by themselves ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : What is the necessity of contractors there ?

WAZIR GANGA RAM : The reply to the first part of my question is in affirmative, has the Government taken it into consideration ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The Government took it into consideration afterwards.

WAZIR GANGA RAM : Will Government please mention the date when it received consideration.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Which is this question ?

606. WAZIR GANGA RAM : Is it a fact that in reply to question No. 533 of Mr. Jagat Ram Aryan in October 1935, the Government were pleased to state that only women should search the persons of women on the sapphire mines.

Will Government please state whether Government have appointed any women for conducting such searches there ?

If not will Government kindly make suitable arrangements

RAI BAHADUR PANDIT RAM CHAND KAK : There is no such necessity at persent because no woman labour is being employed on the sapphire mines.

WAZIR GANGA RAM : Are the women who go there on walk searched ?

RAI BAHADUR PANDIT RAM CHAND KAK : I have got no information about it.

PANDIT JIA LAL KILAM : But you have got the information now

RAI BAHADUR PANDIT RAM CHAND KAK : I will make enquiries.

697. CHAUDRI ABDUL KARIM : Will the Hon'ble Home Minister please state :—(*a*) How many times the Jammu Irrigation Division invited tenders for the construction of Mirpur Kotli Motor Road in the year 1989.

(*b*) What was the total amount of deposit received from the tenderers ? How much was the amount deposited by the successful and un successful tenderers giving details separately ?

(*c*) After lapse of what time, the unsuccessful tenderers were repaid the deposit amount ?

(*d*) What was the amount paid by each tenderer on account of earnest money and security deposits, giving details separately and out of this amount how much and to which tenderer it was refunded ? What are the names of the contractors to whom the deposited amount has not so far been paid ? The reasons for non-repayment may please be stated

PANDIT RAM NATH SHARMA : (*a*) It is difficult to give exact number of times the tenders were invited. It appears that as disturbance had taken place in the District the work had to be pushed on to establish communication. The tenders were therefore invited piece-meal.

(*b*) to (*d*) Total earnest money received from the tenderers amounted to Rs 9,475/. Out of this earnest money of successful tenderers amounted to about Rs. 3,150/. and that of unsuccessful tenderers to about Rs. 6,325/. The earnest money of unsuccessful tenderers was refunded subsequently on their preferring claims for it and producing proper Government Receipts. The earnest money of successful tenderers was refunded along with their security deposits after the works were completed and final accounts for the works done were settled and closed. The security deposits of successful tenderers recovered from the account bills amounted to about Rs 8,050. The earnest money and security deposits still unrefunded amount to Rs. 1,105/10 (400 as earnest money and 750/10 as security deposit) and stands at the credit of the following contractors, which includes the name of the Praja Sabha Sad who has put the question. The amount will remain withheld till the contractors have produced Forest Department receipts for

the trees cut down by them on the road :

Name of Contractor.		Earnest money.	Security deposit.
			Rs.
Chaudri Abas Ali.	...	Rs. 50 deposited in Sawan 1989. Rs. 50 deposited in Magh 1989. Rs. 50 deposited in Phagan 1989.	20
M. Durga Nath.	...	Rs. 50 deposited in Poh 1989.	90
		Rs. 50 deposited in Magh 1989	123-14-0
Abdul Karim.	...	Rs. 50 deposited in Magh 1989.	110
		Rs. 50 deposited in Magh 1989.	83-12
Karim Bux.	...	Rs. 50 deposited in Magh 1989.	.....
Isher Das.	...	.....	51
Mulk Raj.	...	.....	25

608. CHAUDHRI ABDUL KARIM: In the last session of the Praja Sabha, the Hon'ble Revenue Minister in regard to the trees standing in the "Shamilat" areas for which the mutations were deferred stated that in "Shamilat" areas trees of "Hakuli" variety are found and that they can be granted to the zamindars gratis. Will it please be stated whether orders for effecting mutations in case of *Shamilat* areas in favour of the zamindars have since been issued? If not, why?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: Reference to previous question being not quoted, it is not possible to give any definite reply.

609. MR. JAGAT RAM ARYAN: Will the Hon'ble Prime Minister please state: (*a*) the names of the films which are prohibited to be exhibited in the State? A complete list of such films may be placed on the table of the House.

(*b*) How many of these films pertain to Mahatma Gandhi or the Indian National Congress.

(*c*) Will Government please allow the films in part (*b*) to be shown on the screen? If not, why?

RAI BAHADUR PANDIT RAM CHAND KAK: (*a*) A copy of

the list is placed on the table.

(*b*) 28.

(*c*) The films have been declared as uncertified in the Punjab also. The suggestion will be considered.

List of films which are prohibited to be exhibited in the State.

Serial No.	Name of films.	Remarks.
1	After six days.	The order does not apply to the version passed by the Bengal Board.
2	After the storm.	
3	Akash Vani (Syn).	
4	Amar Singh Daggar.	
5	Anarkali or Monument of Tears.	The order does not apply to the version passed by the Madras and Punjab Boards.
6	Babar Deva.	
7	Bakht-ke-Bhagwan (Syn.) ...	The order does not apply to the version passed by the Bombay and Punjab Boards.
8	Battleship Potenkin.	
9	Beckoning Flame, The—	
10	Bengali Bomb, Vasant Bengali or (See S. No. 123 also).	
11	Bhadra Bhamini.	
12	Bowery (Syn.)	
13	Broken Barrier.	
14	Broken Blossoms.	
15	Calcutta Homage to Mr. J. N. Sen Gupta.	
16	Calcutta's Homage to Mr. J. M. Sen Gupta (Syn.)	
17	Captain of the Guard.	
18	Charge of the Gauchos The—	
19	Chemical Works of E Merck Darmstadt.	

Serial No.	Name of films.	Remarks.
20	Circe the Enchantress.	
21	College Days	The order does not apply to the version passed by the Bombay Board.
22	Come on Marines (Syn.).	The order dose not apply to the versions passed by the Bombay and Punjab Boards.
23	Congress, 45th Indian National at Karachi (Gujrat).	
24	Congress 45th Indian National at Karachi.	
25	Disobedience at Bombay.	
26	Disobedience at Dandi.	
27	Drums of Love.	
28	Enlighten thy Daughter.	
29	Ek Abala or the Sainted. Devil.	(*i*) See S. No. 104-A. (*ii*) The order does not apply to the version passed by the Bombay Board.
30	Fake The	
31	Fate of the Outlaw The—	
32	Five Nights.	
33	Flag of freedom The, or Swaraj Toran.	
34	Flames of Flesh.	
35	Flying Down to Rio (Syn).	The order does not apply to the version passed by the Punjab Board.
36	Fortieth Door.	
37	Frozen Justice (Syn.).	
38	Funeral procession of Jatindar Nath Dass.	
39	Funeral Procession of Mr. J. M. Sen Gupta (Syn.) The--	
40	Gandhi's activities in England.	
41	Gandhi after his release Mahatma.	

Serial No.	Name of films.	Remarks.
42	Gandhi after the Truce Mahatma.	
43	Gandhi's arrival in Bombay Mahatma.	
44	Gandhi Arrival of Mahatma in London.	
45	Gandhi Bombay welcomes Mahatma.	
46	Gandhi Bombay welcomes Mahatma (with vernacular sub-Titles).	
47	Gandhi with Charlie.	
48	Gandhi Epock-making voyage of Mahatma.	
49	Gandhi in England.	
50	Gandhi's Historic March, 12th March, 1930 Mahatma.	
51	Gandhi in London Mahatma.	
52	Gandhi's March for freedom Mahatma.	
53	Gandhi's March, 12th March Mahatma.	
54	Gandhi Meets the King.	
55	Gandhi News (Syn.)	
56	Gandhi's Punaragaman Mahatma.	
57	Gandhi's return from England Mr.	
58	Gandhi's return from London (Syn) Mahatma.	
59	Gandhi's return from the pilgrimage of peace Mahatma.	
60	Gandhi The return of Mahatma from the Round Table Conference (Syn.)	
61	Gandhi The return of Mahatma from the Round Table Conference.	
62	Gandhi sees the King.	

Serial No.	Name of films.	Remarks.
63	Gandhi's speech in public meeting (Syn.) Mahatma	
64	Gandhi'a visit to Lancashire.	
65	Gandhi topical of Mahatma.	
66	Gentleman's fate (Syn.)	
67	George White's Scandal (Syn.)	The order does not apply to the version passed by the Burma Board.
68	Her last dance.	
69	Hips Hips Hooray (Syn.)	The order does not apply to the version passed by the Bombay and the Punjab Boards.
70	Hitler's reign or Hitler's reign of terror.	
71	Holly wood speaks (Syn).	
72	House Divided A.	
73	Immoral Glory.	
74	Indiscretion.	
75	Ivan the Terrible.	
76	Jackals The.	
77	Kicking the Germ out of Germany.	
78	King of the Khyber Rifles.	
79	Last of his people The—.	
80	Lion's claw or the Moon child.	
81	Life of Lord Buddha.	
82	Love Man and Beasts.	
83	Loves of a Mughal Prince The—.	
84	Moon child, The—a Lion's claw.	
85	Mistaken love.	
86	Mystery Club The—.	
87	National Flag Hoisting and Salutation ceremony.	
88	Night in Cairo (Syn) A.	

Serial No.	Name of films.	Remarks.
89	Nur Jehan.	The order does not apply to the version passed by the Punjab Board.
90	One hour with you.	
91	Orphans of the storm.	The order does not apply to the version passed by the Punjab Board.
92	Pan Ching Lin the vampire.	
93	Passions of the East The—.	
94	Patel's Procession Mr.	
95	Poona Raided.	
96	Primrose Time.	
97	Private Life of Henry VIII (Syn) The .	
97	Purple Iris.	
98	Ramayana Sita Swayamvra (Syn.)	
99	Razia Begum	
100	Red Dance The—	
101	Red Lantern.	
102	Red Peacock.	
103	Road to Maudlay The—	
104	Sacrifice Yashodevi or—	
104-A.	A. Sainted Devil. The—or Ek Abala.	See S. No. 29 also. The order does not apply to the version passed by the Bombay Board.
105	Scariface (Syn).	
106	Scarlet Lady The—	
107	See Horses.	
108	Search for Beauty (Syn).	The order does not apply to the version passed by the Bombay Board.
109	Shadow of the Mosque.	
110	Shah Jahan.	
111	Shiraz.	
112	Siberia.	
113	Silent House.	

Serial No.	Name of films.	Remarks.
114	Six Wonderful Nights in Paris.	
115	Strange Interlude.	
116	Stormy Nights	
116-A	Swaraj Toran The Flag of Freedom or— See S. No. 33 also.	
117	Terror of Chalta Purza The—	
118	Ten Commandments.	
119	Toorkey Hoor.	The order does not apply to the version passed by the Bombay Board.
120	Triumph of the Rat.	
121	Triumph of the Scarlet Pimpernal The.	
122	Truth About Sex.	
123	Vaman Avtar (Syn).	See S. No. 10 also.
123-A.	Vasant Bengali of Bengali Bomb.	
124	Veer Durgadas.	
125	Velga Volga.	
126	Wages of Sin.	
127	War Mothers or War Mammas.	
128	Wrath.	
129	Welcome Danger (Syn).	
130	White Black Sheet The—	
131	White Rose The—	
132	Oman State The	
132-A.	Yashodevi or Sacrifice.	See Serial No. 104 also.

610. CHAUDRI ABDUL KARIM : Will the Hon'ble Home Minister please state on what date the construction work of Akhnur Sidoti road from miles 8 to 25 was started and what date it was completed ?

PANDIT RAM NATH SHARMA : Construction work of Miles 8 to 25 of Akhnur Sidoti road was started on different dates in Maghar and Poh 1993 and completed on various dates

from Chet 1993 to Har 1994.

611. CHAUDRI ABDUL KARIM: Will the Government please state what was the total amount spent during 1993 on account of supply of water in Kandi tracts of Tehsil Bhimber and what arrangements in consequence of the expenditure thus incurred ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: *1st part.*—Rs. 16,000.

2nd part.—The amount has been spent on construction of new wells and tanks, where they were badly needed and repairs to the existing tanks and wells.

612. CHAUDRI ABDUL KARIM: (*a*) Will the Government kindly state the conclusions arrived at by arranging for water-supply in Tehsil Bhimber through Revenue Agency ? Do the Government consider it feasible to make arrangements for water-supply through Revenue Department or the Public Works Department ?

(*b*) If the arrangements, same as in the case of Bhimber will continue, how long will it take to remove the shortage of water in the Kandi tracts ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: (*a*) The work has been entrusted to the Revenue Department on grounds of economy. Works of Non-technical nature are to be executed through the Revenue Department. Works costing Rs. 2,000 and above involving technical skill are to be executed through Public Works Department.

(*b*) Five years approximately.

613. MR. AMAR NATH PURBI: Will Government be pleased to state: (*i*) What are the annual figures of receipts of Income Tax collected from public alone (that is excluding the amount deducted on this account from Government officials' salaries etc.) ?

(*ii*) What are the annual figures of expenditure of this Department ?

(*iii*) What is the ratio between the two ?

(*iv*) If the ratio of expenditure greatly exceeds 10 per cent. does this not show that this tax has been prematurely adopted—at least it infringes one of the fundamental principles of the theory of taxation as laid down in Mills Political Economy and which still holds the field ?

(*v*) Have the State Industries reached the same stage of development as exists in the countries from which this tax has been adopted ?

(*vi*) If not, will this not retard the industrial progress of the country and may even hit very hard those which already exist ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*i*) Receipts of Income Tax collection from the public for the year 1993-94 = 1,75,789.

(*ii*) Expenditure of the Department for the year 1993-94 = 30,510.

(*iii*) Ratio between the two 17 per cent.

(*iv*) If the amount of tax recovered from the salaried persons is included as it should be in the receipts shown under part (*i*) above, the ratio comes to about 11 per cent. and it is hoped to reduce it to 10 per cent. This shows that the tax has not been adopted prematurely. The expenditure incurred on the staff employed in running the salary section is included under part (*ii*) above, and so should the receipts which are not entirely confined to deductions from salary.

(*v*) The State Industries have at least reached the stage of some Indian States where this tax is imposed.

(*vi*) The minimum taxable limit is Rs. 2,000 and the rates applicable are also low. There is, therefore, no cause for apprehension that the tax will impede industrial development.

RAI BAHADUR PANDIT AMAR NATH PURBI : Am I to understand that this tax has been adopted from those unnamed States the industrial activities of which are less prosperous than that in this State ? If the answer be in the affirmative, were those States considered to be worthy of giving our State a lead in this matter ?

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : The law of taxation has not been borrowed from any State, it has been independently adopted in this State.

RAI BAHADUR PANDIT AMAR NATH PURBI : In the case of Registered Firms, it appears that compared to the income of individuals, the tax which is charged from them is such that it imposes a disability on them although these companies have to spend money on the salaries of the Staff ?

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : If you consult the Companies Regulation you will find that certain rates have been provided for them and the larger the income the higher is the rate. Companies are not to be treated as individuals.

THE HON'BLE SIR LAL GOPAL MUKERJI KT : If, however, there is a reasonable representation in this behalf I shall consider it.

RAI BAHADUR PANDIT AMAR NATH PURBI : Will you consider it.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : Certainly,

if it is a reasonable representation.

614. MR. AMAR NATH PURBI : (*i*) What was the initial capital cost of the electric installation in the State ?

(*ii*) How much of this cost has been written off ? What is the percentage fixed for it ? Is that the usual rate at which wear and tear of machinery etc., is reckoned in business circles ?

(*iii*) What is the book value of the installation at present ?

(*iv*) Has the machinery etc., been recently appraised ? If so, what is the appraised value ?

(*v*) If it has not been appraised so far, will Government be pleased to arrange to have it appraised now as in case the appraised value is, say, one fourth of the book value and after more than 28 years' use such a depreciation is possible, the calculation of rate of interest $3\frac{1}{2}$ percent. and profit $2\frac{1}{2}$ percent. in that case would amount upto 14 and 10 per cent. that is to say, 24 per cent. in all instead of 6 per cent. as shown in reports as the yield from this investment ?

(*vi*) Considering that the wooden flume has to be renewed periodically and the cost of such renewal is, say, 10 lakh if not more, and that of annual repairs appreciable and cost of maintenance of staff excessive, will Government be pleased to consider the advisability of installing power station at a place like Ganderbal where a fall of 200 ft. or so can be easily created practically without any cost and thus considerably reduce the cost of production of energy and make it available to Industrialists at, say, Mysore rates ?

PANDIT RAM NATH SHARMA : (*i*) Initial capital cost of Kashmir Hydro-electric Installation Rs. 41,90,013.

(*ii*) Rs. 1,92,000 have been written off according to depreciation rates sanctioned by Government.

(*iii*) The present book value of Kashmir Hydro-Electric Installation after deducting Rs. 17,83,627 on account of cost of machinery etc., which have outlived their assigned lives as per sanctioned Depreciation Table is Rs. 54,22,692.

(*iv*) No.

The question does not arise.

(*v*) The cost of depreciation on the machinery etc., as per (*iii*) above is being deducted and the profit and loss worked out accordingly on the net value.

(*vi*) Ganderbal could generate only 300 H. P. whereas the present maximum load at Srinagar alone is about 1600 H. P.

The question of revising the present rates is separately

under consideration.

RAI BAHADUR PANDIT AMAR NATH PURBI : The reply is not clear. It has been stated in answer to my question that the money spent originally on the electric installation as capital cost were Rs. 41,90,000 and then somewhere in the reply it is mentioned that on account of cost of machinery and repairs etc. Rs. 17,00,000 have been written off and that the balance or present book value is Rs. 54,00,000. How can it be possible and how has the amount exceeded the original cost ?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR : I think it is obvious. To the initial capital cost, additional capital may have been added in subsequent years as it is assumed that this installation has extended, and after deducting the seventeen lacs, the balance now may be fifty lacs.

RAI BAHADUR PANDIT AMAR NATH PURBI : Was further amount invested in the extension of the installation or for the replacement of machinery afresh ? May I understand from this reply that the activities of this department have extended since its initiation ?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR : I am not in a position to give you full particulars. Obviously the answer is that the initial capital cost is 41 lacs and after making deductions on account of depreciation, the capital value now is 54 lacs. This shows that there has been additional expenditure in subsequent years.

RAI BAHADUR PANDIT AMAR NATH PURBI : No reply has been given to my further question as to what is the percentage fixed for depreciation.

PANDIT AMAR NATH SHARMA : It has been replied that according to the rates sanctioned by the Government. .....

RAI BAHADUR PANDIT AMAR NATH PURBI : I want to know as to what is the percentage ? Is that the usual rate as adopted in other business concerns ?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR : That answer has not been furnished by the Head of the Department. It can be furnishable afterwards.

RAI BAHADUR PANDIT AMAR NATH PURBI : As regards my question No. 5 which read that :

> "If the machinery etc. has not been appraised so far, will Government be pleased to arrange to have it appraised now as in case the appraised value..... investment".

It is very clear question.

PANDIT RAM NATH SHARMA : And it is very clear reply.

MIRZA MOHAMMED AFZAL BEG : A secret talk is going on. Perhaps he is speaking Latin

KHAWAJA GHULAM MOHAMMED SADIQ : Ancient Mariner.

RAI BAHADUR PANDIT AMAR NATH PURBI : That is not a clear reply.

PANDIT RAM NATH SHARMA : That is a matter of opinion.

615. MR. AMAR NATH PURBI : Will Government be pleased to state : (*i*) How far the work of consolidation of land has been successful ?

(*ii*) Has anything been done to stop fragmentation to help this work ? If not, how do Government think that in the absence of a check on fragmentation the Consolidation Scheme can achieve the object for which it has been adopted ?

(*iii*) Should they not go hand in hand ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Consolidation work has been fairly successful.

(*ii*) If fragmentation is to be stopped effectively then personal Laws of Mohammedans and Hindus will have to be amended which is not possible under existing circumstances.

(*iii*) Does not arise.

RAI BAHADUR PANDIT AMAR NATH PURBI : My question is : –

"Has anything been done to stop fragmentation to help this work.....".

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The reply is nothing. It is quite clear. We are not going to alter our personal laws under the existing circumstances.

616. MR. JAGAT RAM ARYAN : Will the Government please state if it is a fact that the last audit of the Jammu Press has disclosed shortage of type worth thousands of rupees and the same is held as due to the mismanagement of the Press ?

(*b*) Is it also a fact that as a result of the audit disclosure of the unsatisfactory state of affairs of the Press management Government have already passed orders regarding the engagement of an expert from outside ?

If replies to (*a*) and (*b*) be in the affirmative, will the Government please state what steps have been taken to safeguard Government property and improve the management ?

KHAWAJA GHULAM AHMED ASHAI (On behalf of the Hon'ble Hazur Minister) : (*a*) During the year 1992-93, the accounts of the Ranbir Government Press Jammu were

examined by the Examiner Local Accounts. Shortage of type was reported by the Audit Office. The shortage pertained to the last 20 years and after working out the details by actual trials, the deficiency has not been found to be as large as reported.

(*b*) No.

The director of Industries was asked to go into the question of the working of the Press and he reported making a number of suggestions to improve the working of the Press. Government have approved these suggestions and passed orders.

617. MR. JAGAT RAM ARYAN: Will the Government kindly state the total number of employees in the Government Press showing the proportion of each class, *viz.* Brahmins, Sikhs and Harijans? What are the reasons for the paucity of Sikh element and non-entity of Harijan element in the Press and why an educated Harijan working in the Press for the last three years has not so far been appointed?

KHAN GHULAM AHMED ASHAI: The figures of the Press employees are as :—

1.	Total number	... ...	164
2.	Brahmans	... ...	77
3.	Sikhs	... ...	1
4.	Harijans	... ...	Nil

No suitably trained Sikh or Harijan was available to fill up the technical posts in the Press. The Superintendent Press has already been instructed to absorb the Sikh boy, who is a trained compositor, in the Press on the occurrence of a suitable vacancy. One Harijan was working in leave arrangements in the Press, but he is reported to have since left the Press.

MR. JAGAT RAM ARYAN: Why has he left the Press? It is because he was not absorbed there.

LALA SHIV NATH NANDA: He has got angry.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): He has left the service.

SHEIKH ABDUL HAMID: This should be enquired from him.

618. MR. JAGAT RAM ARYAN: Is it a fact that due to the favouritism and partial treatment a number of appeals have been submitted by the Press employees? If the reply be in the affirmative, will the Government state as to what action has been taken on them?

KH. GHULAM AHMED ASHAI: Yes. There are some appeals of Press employees under consideration. These will be dealt with on their merits.

619. MR. JAGAT RAM ARYAN: Is it a fact that on the abolition of the post of Chief Foreman, the Superintendent of Press simply to take increment gave an undertaking that the post will not be revived again? If the answer be in the affirmative, why were the increments as well as the allowances granted to officials for discharging the duties of Chief Foreman not surrendered on the revival of the same post in 1937. Is the Government prepared to discontinue the payment of such allowances? If not, why not?

KH. GHULAM AHMED ASHAI: The Superintendent Press neither got an increment by abolition of the post of Chief Foreman nor had he given any undertaking for the non-revival of the post.

In case of 2 employees the allowances have been surrendered and in the other 3 cases they have been maintained for other sound considerations.

The last portion of the question does not arise.

620. MR. JAGAT RAM ARYAN: Will Government please state what action has been taken on the representation made by the Harijans to the Hon'ble Prime Minister through Mr. Jia Lal Kilam member Praja Sabha.

RAI BAHADUR PANDIT RAM CHAND KAK: The requests made by the deputation of aHrijans led by Pandit Jia Lal Kilam which waited on the Prime Minister on 16th October 1936 were forwarded to the departments concerned for suitable action.

MR. JAGAT RAM ARYAN: What was the request?

RAI BAHADUR PANDIT RAM CHAND KAK: This is a new question.

LALA SHIV NATH NANDA: For what remarks has it been sent to the concerned officers?

RAI BAHADUR PANDIT RAM CHAND KAK: That also is a new question.

621. PANDIT RAM CHAND DOBEY: (*a*) Will the Government please place before the House a statement showing the details of fire arms registered in every Tehsil as also the number of ordinary muzzle guns, cartridge guns, rifles and revolvers so far registered? The reasons for delay in registration may also please be stated in case there are still any such arms pending registration?

(*b*) Is it a fact that rifles, pistols, and revolvers already registered in both the provinces are lying for examination and have not been returned back to the owners? When

will these be returned? Will the Government please arrange to return these arms in future within a week or so after necessary examination?

RAI BAHADUR PANDIT RAM CHAND KAK: (*a*) *1st Part.*—The required list showing the number of various kinds of fire-arms so far registered in each Tehsil of the Jammu Province is attached herewith,

2nd Part.—No delay occurred.

(*b*) Some pistols and revolvers are lying in the District Magistrate Jammu's Office. The details regarding purchase and import of these fire arms were not furnished by the owners at the time they were presented for inspection. They have therefore been detained till the required details are furnished. Some pistols and revolvers being of prohibited bores (·445 and ·455) have also been detained.

Information as regards Kashmir has not been received yet. It will be supplied to the member on receipt.

Statement showing the number of fire-arms registered in various Tehsils of the Jammu Province.

Districts.	Tehsils.	*No. of fire-arms registered*			
		Muzzle loading guns.	Cartridge guns.	Barrel loading rifles.	Pistols and revolvers.
Reasi ...	Reasi ...	3,399	28	50	.....
	Rajouri ...	3,127	21	.....	.....
Mirpur ...	Nowshera ...	500	4	147	.....
	Bhimber ...	1.028	63	1	.....
	Mirpur ...	222	153	22	.....
	Kotli ...	1,770	35	29	.....
Kathua ...	Jasmergarh	781	42	3	.....
	Kathua ...	1,210	36	8	.....
	Basohli ...	2.894	83	2	.....
Udhampur	Udhampur...	1,700	47	.....	.....
	Ramnagar ...	1,867	12	33	.....
	Ramban ...	.....	16	.....	.....
	Bhadarwah	1,740	32	.....	.....
	Kishtwar ...	1,324	15	.....	.....

Districts	Tehsils.	*No. of fire-arms registered.*			
		Muzzle loading guns.	Cartridge guns.	Barrel loading rifles.	Pistols and revolvers.
Jammu...	Jammu ...	846	306	.....	.....
	Akhnur ...	597	18	.....	.....
	Ranbir Singh Pura.	357	24	8	.....
	Samba ...	709	44	42	.....
District Office.	Magistrate's	.....	.....	.....	344

622 PANDIT RAM CHAND DOBEY: (*a*) Will the Government please intimate at which of the places dacoities were committed during the past three months of the current year in the Tehsils of Samba, Jasmergarh, Kathua and Sri Ranbirsinghpura and what was the result of investigation in such cases?

(*b*) Are the Government aware of the fact that such continuous dacoities have considerably inspired awe and dread to the inhabitants of these villages and the people remain without sleep for most of the nights thereby causing disturbance to their business? Will the Government please state what measures they have adopted to maintain peace?

(*c*) Whether any Minister, District Magistrate or Inspector General of Police have ever visited this panic striken *Illaqa* to maintain peace? If not, why?

(*d*) Will the Government please lay before the House the reports of other touring officers who have proposed preventive measures on the spot in this behalf and have also given details of the reports received from the public in this connection?

PANDIT RAM NATH SHARMA: (*a*) During the past three months of the current year seven dacoities occurred in the Tehsils mentioned at the following places.

1. Raipur in Kathua Tehsil.
2. Bhagwana Chak in Hiranagar Tehsil.
3. Hiranagar proper.
4. Kali in Tehsil Samba.
5. Kotli in Tehsil Samba.

6. Bhaleter in Tehsil Samba.
7. Chimya Chak in Tehsil Ranbirsinghpura.

Investigation in these cases is still proceeding. Two gangs have been found to be at work one belonging to the State and one to the Punjab. Six arrests have been made so far.

(*b*) The Government is not aware that the business of the general public has been affected owing to their loss of sleep caused by the apprehension of dacoities. The area is being adequately patrolled by a large extra force of police and no dacoity has taken place in this area for over two months

(*c*) The District Magistrate who is the Governor of the Province has visited Kathua and Hiranagar.

(*d*) Extra Police have been sent to police Stations Kathua, Hiranagar, Samba, Bishnah, Ramgarh, and Ranbirsinghpura for patrolling purposes and extra surveillance of bad characters. *Thikri Pahra* has been established in a number of villages. A special investigation staff has also been deputed. One Sub-Inspector was also placed at the disposal of the Punjab Police to act as a liaison officer as a number of similar dacoities had occurred over the State boundary in the Punjab.

PANDIT RAM CHAND DOBEY : It has been stated in the reply that the District Magistrate has visited Kathua and Hiranagar. Has this visit been made for this purpose ? If so, what note has he written in the investigation proceedings.

PANDIT RAM NATH SHARMA : Yes, the visit was paid for this very purpose and a report will be called for from him about it.

PANDIT RAM CHAND DOBEY : How long will the police force, deputed to the *Illaqa*, remain there ?

PANIDT RAM NATH SHARMA : A long as it is deemed necessary.

SARDAR DHIAN SINGH: Has any arrest been made when seven dacoities have already been committed.

PANDIT LOK NATH SHARMA : Not seven but six. It has already been stated that arrests have been made and these are six in number (Laughter).

623. PANDIT RAM CHAND DOBEY : (*a*) Does the Government know that in the month of Poh last 28 bovine animals were caught at the Frontier Customs Post Gatalian which were being exported illegally and that these animals were kept in an unsatisfactory manner in this severe winter without shelter and grass in a cattle-pond at the

bank of river Jhelum which has only a barbed wire around it? Will the Government please provide sheds for such cattle ? It not, why ?

(*b*) Does the Government know that every year such cattle are exported in hundreds illegally from the Frontier Customs Posts of Mirpur District and are sold in British Indian Territory ?

(*c*) Will the Government please arrange to prevent this illegal export of cattle, make satisfactory petrol arraugements on these frontier posts and declare the offence as cognizable ?

PANDIT RAM NATH SHARMA : (*i*) Yes, 28 bovine animals were caught on 30th Maghar and two customs guards remained on duty to feed them. Later these animals were handed over to a zaildar on a *superdnama* pending their production in a judicial court.

(*ii*) Construction of suitable sheds for each animal on the vast border line of Jammu Province is not possible. However, efforts are made to provide for their protection and fodder as far as possible. Further instructions will also be issued in this direction.

(*iii*) Yes. The Government are aware that illegal export of cattle is made to the British Indian territory.

(*iv*) The Government are trying to prevent this illegal export as much as possible and they will further look into the matter.

LALA RAM LAL VAKIL : Has any attempt been made ?

PANDIT RAM NATH SHARMA : Instructions have been issued that export of cattle should be checked as much as possible.

LALA RAM LAL VAKIL : Instructions have already been issued but I want to enquire what effective steps have the Government taken in this behalf ?

PANDIT RAM NATH SHARMA : The matter is being brought to the notice of the officers.

LALA RAM LAL VAKIL : Was not the matter brought to the notice of the officers before ? Now I want to ask whether any effective steps will be taken ?

PANDIT RAM NATH SHARMA : It has been stated that instructions have been issued and the attention of officers has been invited to the matter.

PANDIT RAM CHAND DOBEY : In the reply it has been stated that two customs guards have been appointed. But my question was whether any shed has been provided at the customs post for the shelter of the animals ? If not, will such arrangements be made for the convenience of the

cattle ?

PANDIT RAM NATH SHARMA : As much convenience as is possible will be provided.

LALA RAM LAL VAKIL : Sir, the reply to part (*c* of my question has not been given *i. e.* the detail of figures has not been supplied.

PANDIT RAM NATH SHARMA: There is no part (*c*) of the question.

LALA RAM LAL VAKIL : Just see the Urdu list of questions. It is given there.

PANDIT RAM NATH SHARMA : It is not given in English list.

LALA RAM LAL VAKIL : It is not my fault if it is not in the English list. The question stands and the reply must be made therto.

PANDIT LOK NATH SHARMA : To the last part of the question no reply has been given. I want to know whether the Government will declare the offence cognizable ?

PANDIT RAM NATH SHARMA : As far as possible the matter will receive consideration.

PANDIT LOK NATH SHARMA : There is no question of 'mumkin'. I want to know whether Government will declare the offence cognizable ?

PANDIT RAM NATH SHARMA : It is under consideration.

PANDIT LOK NATH SHARMA : Will it be considered soon ?

PANDIT RAM NATH SHARMA: Yes.

264. PANDIT RAM CHAND DOBEY : (*Vide* my Question Q. D. No. 559 asked in the Jammu Session 1937, regarding Ramnagar Rakh in Jemmu City). Will the Government please place before the House the details of the combined report submitted by the Governor Jammu and Conservator of Forests in this behalf and will the area reserved for grazing the cows of the Jammu city be entered as such in the Revenue Records at an early date ?

KHAN BAHADUR RAJA MOHMMED AFZAL KHAN : *1st part.*— Copy of the report asked far is laid on the table of the Praja Sabha.

2nd part.—The matter is under correspondence with the Shikarkhana Department.

The late Pandit Narendra Nath Koul, Governor, Jammu , recognizing the vital importance of the reservation of some area to serve as a grazing ground for the cattle of the Town of Jammu notified by beat of drum that the part of the Ramnagar Rakh which lapsed to the State on the demise of the Late Colonel Raja Sir Ram Singh Sahib

Bahadur has been reserved for grazing purposes. But unfortunately no valid sanction was applied for by him and the question of getting this order of Pandit Narendra Nath validated, the late R. B. Pandit Udey Chand referred the matter to the Hon'ble Revenue Minister for obtaining His Highnees the Maharaja Sahib Bahadur's sanction to the State portion of the above said area being allotted as such. But it seems that no sanction has so far been received and consequently no *Amaldramad* made in the Revenue records. The trouble rose again when the guards of the Private Department of His Highness the Maharaja Bahadur, who are appointed to watch the Rakh adjoining the said area, began to stop the cattle to graze in the area.

The Hon'ble Revenue Minister in reply directed that the area in question should be personally inspected by both the Governor, Jammu, and the Conservator of Forests, Jammu Circle, jointly. The case has been lingering on as the Governors and the Conservator of Forests of the time could not find time to comply with this order for one reason or another. However, on 17th July 1937 we, the undersigned, inspected the Rakh in company with the Revenue Assistant, Jammu, and the representative of the inhabitants of Jammu Town. The whole Rakh measures about 23211 Ks. details whereof are as below :—

Under the possession of His Highness' Private Department ...	9981-Ks. 2-1
Under the possession of the State ...	13229-Ks. 14.

The area possessed by the State lies in villages Jammu, Palaura, Chanora, Seetni and Khanpur of Jammu Tehsil, as detailed below :—

		Kanals.	Marlas.
1.	Jammu Village ...	2771	14
2.	Palaura „ ...	5780	11
3.	Chanora „ ...	821	19
4.	Seetni „ ...	2815	2
5.	Khanpur „ ...	1030	8
	Total ...	13229	14

During our inspection we found that out of the aforementioned area an area, measuring 4443-Ks. 3-Ms. is under the possession of the Shikarkhana Department.

The details of this area are :—

			Kanals.	Marlas.
1.	Jammu village	...	1113	17
2.	Seetni ,,	...	2815	2
3.	Khanpur ,,	...	514	4
	Total	...	4443	3

But there is no entry about this possession of the Shikarkhana Department in the Revenue records. A plan of the whole Rakh has been got prepared and is attached to this note for reference.

We have carefully considered the whole case and have come to the conclusion that the only area that can be set apart for grazing lies in Jammu village in Khasra No. 1. This area measures 1657 Kanals 17 Marlas, and is in the near vicinity of the Jammu Town. This area is more fertile than any other area The Towns-people will think it a hard task to take their cattle for grazing if a plot is set apart for this purpose from either Palaura, Seetni or Khanpur etc. owing to these villages being at a distance from Jammu Town.

The Shikarkhana Departement has set up *Kachha* stone pillars to demarcate the area in its possession. This has been indicated by a red line in the Plan and small circles shown on this line indicate *Kachha* pillars.

We, therefore, suggest that an area measuring 1617 Kanals 17 Marlas, from Khasra No. 1 lying to the west of the red line may be given to the Towns-people for grazing their cattle on the condition that they are not cut or destroy any trees or shoot which is standing on the plot or which may grow hereafter. This area will be enclosed by a barbed-wire fencing, and the representatives of the Towns-people will have the right of grazing only but the whole plot will remain under the control and supervision of the Forest Department.

The rest of the area out of Khasra No. 1 lying to the east of the road line *i. e.* measuring 1113 Kanals 17 Marlas, may be entered in the name of the Shikarkhana on the

condition that they will allow free use of the "Salari Chhapri" by the cattle of the Jammu Town. A small gate will be put up in the fencing just near this Chhapri.

We have also, found that an area measuring 156 Kanals 14 Marlas, lying in Khasra No. 1, has been broken up by private persons. As this action of these people is illegal steps will be taken to eject them when orders on this note are received.

(Sd.) H. S. JAMWAL,

CONSERVATOR OF FORESTS,

Jammu Circle.

(Sd.) BALDEVSINGH PATHANIA,

GOVERNOR OF JAMMU PROVINCE,

Jammu.

Dated Jammu the 16th December 1937.

PANDIT RAM CHAND DOBEY: Will the House be informrd as to whether any area in the Jammu city has been eeserved for grazing the cattle?

K. B. RAJA MOHAMMED AFZAL KHAN: The matter is under consideration. How can we give a definite reply off hand.

625. PANDIT RAM CHAND DOBEY: Will the Government please place before the House the details of the amount spent on the construction of wells and ponds in the Tehsil of Bhimber according to the programme of water-supply in Kandi *Illaqa*? Will the House be also informed in which of the Tehsils the said work is to be carried on next year according to the programme?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: (*a*) A sum of Rs. 16,000 (in round figures) have been spent on the repairs and reconstruction of existing tanks and wells in Bhimber Tahsil during the last year. Detailed information will be given later on.

(*b*) So far no definite programme has been framed for other parts of the Kandi *Illaqa*.

PANDIT RAM CHAND DOBEY: When will it be reconstructed?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN: When

Bhimber is ruined.

626. SARDAR KANAYA SINGH: (*a*) Is it a fact that Sardar Bhagat Singh of Kanahama village, Tehsil Baramulla, submitted an application on 29th October 1934 for favour of granting scholarship to his son who was reading in Medical College, Lahore?

(*b*) Is it also a fact that he was informed by the Government under letter No. SS 198, dated 8-12-34 that the Government does not require M. B, B. S. trained Doctors as there are already more than one dozen of qualified doctors unemployed in the State?

(*c*) Is it also a fact that subsequently in 1936 four scholarships of Rs. 50 p. m. were granted to non-Sikh students for getting training in Medical College, Lahore?

(*d*) Will Government please state reasons for this differential treatment?

RAI BAHADUR PANDIT RAM CHAND KAK: (*a*) Yes.

(*b*) The letter referred to was from the Scholarship Selection Board to the Hon'ble Home Minister.

(*c*) Yes.

(*d*) There has been no differential treatment. The question of reviving M. B., B. S. scholarships was considered in 1936 in the light of the circumstances then prevailing and after careful consideration the Government decided to revive them.

SARDAR KANAYA SINGH: What was the number of qualified doctors when the M. B., B. S. scholarships were stopped?

RAI BAHADUR PANDIT RAM CHAND KAK: It is a new question.

SARDAR KANAYA SINGH: What circumstances took place in 1936 for which the reviving of M. B., B. S. scholarships was considered?

RAI BAHADUR PANDIT RAM CHAND KAK: it was necessrry then.

SARDAR KANAYA SINGH: What was the necessity?

RAI BAHADUR PANDIT RAM CHAND KAK: That of new doctors.

627. SARDAR KANAYA SINGH: *a*) Is it a fact that Mr. Abdur Rahim Zubair, M. A. besides foreign scholarship for Civil Engineering gets Rs. 900 annually as Family Allowance?

(*b*) Although he is not married yet?

(*c*) Are Government prepared to make enquiry in this behalf? If not, why?

RAI BAHADUR PANDIT RAM CHAND KAK: (*a*) Yes.

(*b*) The Hon'ble Member is referred to Article 18 Kashmir Service Regulations which gives the definition of Family.

(*c*) This part of the questien does not arise.

SARDAR KANAYA SINGH: Why was this person granted family allowance when Article 18 of Kashmir Service Regulations provides that a man without family shall not be granted any family allowance?

RAI BAHADUR PANDIT RAM CHAND KAK: In accordance with Article 18 Kashmir Service Regualtions.

SARDAR KANAYA SINGH: Article 18 provides that a person who has got no family, shall not be entitled to family allowance.

RAI BAHADUR PANDIT RAM CHAND KAK: There is none without a family. Is he born of a stone?

SARDAR KANAYA SINGH: Is it proper to grant Rs. 900 as family allowance to a man who is not married and has no family.

RAI BAHADUR PANDIT RAM CHAND KAK: It is proper.

PANDIT LOK NATH SHARMA: Is it a fact that Mr. Abdur Rahim Zubair has got two brothers and both of them are earning members. One of them is a practising lawyer and one is Sub-Inspector police?

RAI BAHADUR PANDIT RAM CHAND KAK: I have no knowledge of it.

PANDIT LOK NATH SHARMA: Then will you please make an enquiry about it?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: I assure the Hon'ble member that what has been brought to the notice of the Government, will be noted and enquiry will be made.

628. LALA AMAR NATH KOHLI: Will the Hon'ble Home Minister inform the House as to the following: (*a*) The number of Harijan candidates who applied for any post in the Education Department during the last 5 years.

(*b*) The ratio of the Harijans employed in the Department to the total number employed during the period.

(*c*) Is it a fact that a Harijan who is an Intermediate was employed at Rs. 15 only while a Mohammedan of same qualification was given Rs. 36 p. m.

PANDIT RAM NATH SHARMA: In Kashmir Province none and figures from Jammu Province are awaited.

The information is being collected.

The reply is in the negative.

629. LALA AMAR NATH KOHLI: Will Hon'ble the

Minister incharge please state : (*a*) What is the total amount which has been spent on water supply in the Kandi *Illaqa* ?

(*b*) Where and to what extent has the amount been spent ? Amounts for separate places may be shown separately.

(*c*) What actual benefit has been derived by the inhabitants of the *Illaqa* where a certain amount has been spent ?

(*d*) What was the actual amount spent on work, and how much has been spent on travelling allowances, pays etc. of men supervising the work ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) A sum of Rs. 25,000 has been spent during the last year in Kandi *Illaqa* ?

(*b*) Out of the amounts specified in (a) above Rs. 15,976 has been spent in Bhimber Tehsil, Rs. 1,713 in Samba Tehsil, Rs 1,352 in Reasi Tehsil, Rs. 500 in Mirpur Tehsil, Rs. 300 in Kathua Tehsil and Rs. 250 in Jasmergarh Tehsil Rs. 4,909 were spent on miscellaneous construtions etc. in other parts of the Kandi tract.

(*c*) The difficulty felt by the zamindars of the above mentioned Tehsils for want of water has now been removed to a great extent.

(*d*) The whole amount of Rs. 25,000 has been spent on works. The supervising staff was paid from separate funds.

LALA HANS RAJ : Is there any detail stating the nature, and p ogress of work done or being done in separate places ?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : If you give notice, the reply wiil be given to you.

630. LALA AMAR NATH KOHLI : Do the Government know that a large number of cows and bulls are exported from Mirpur *Illaqa* ? Has the attention of the Government been drawn to it ? If so, what action have the Government taken and what are its results ?

PANDIT RAM NATH SHARMA : (*a*) Yes. Effective steps are being taken by the Customs Department to catch cases pertaining to export of bovine animals.

Five cases were recently detected which are under trial in the Judicial Courts at Mirpore and Bhimber

HON'BLE PRESIDENT (the Hon'ble Mr. Justice K. L. Kichlu) : Discussion on Khawaja Ali Mohammed's Resolution and its amendments will be resumed now.

The Resolution reads as under :—

This Praja Sabha recommends to the Council that

so long as communal representation in services is not made up on population basis, all services be reserved for the members of the community which is not fully represented.

LALA HANS RAJ : Sir, since I could not conclude my speech yesterday, the Hon'ble President has now permitted me to speak for five minutes more. I wish I could get more time so that I could elucidate my points. Now as I have been allowed to speak for five minutes only I will therefore give expression to my ideas briefly. It is unfortunate that such resolutions are being moved in the House which help in exciting the communal feelings of the Hon'ble members. In my opinion, it is too much for a party to move such resolution in the House. Besides other evil consequences these resolutions expose hidden malice and review old hatred.

In the speeches, which have so far been delivered on the resolution in the house, the Kashmiri Pandits, Kashatries and all other Hindus have been attacked. They have been unduly criticized and contrary to this certain speeches have been made only to win the favour of the Muslims, the Harijans and the Sikhs. It has been emphasized in these speeches that these communities are backward and that they have very meagre representation in Government Services. But I regret to say that none of the speakers have spoken anything about the Dogra Community. They should have also paid attention towards the miserable condition of the people of this community and should have expressed that the Government have ruthlessly ignored these people and left them behind.

MIRZA MOHAMMED AFZAL BEG : Sheikh Amin Sahib has particularly mentioned this community.

LALA HANS BAJ : In this connection, I want to state an anecdote. Once upon a time there were two companions—One of whom was blind. Incidently they sat on a board together. The blind man thought that his companion was perhaps eating too much because he was silent. He therefore began to raise a hue and cry. It did not occur to him that he should first enquire from his friend whether he was really taking more than he himself did. Similar is the case of our State. Our brethren who are crying for getting Government services on population basis do not think what will be the consequences if Government services are given on merely population basis. It will, naturally, result in ignoring the efficiency and merit in services. If justice and merit be ignored in

making appointments then Government will have to suffer a great upheavel in the administration. I have not got more time. If I had some time I would have stated that the appointments which have already been made at the cost of the merit, simply to please a community are proving very harmful to a certain extent. It requires a long time to say anything in detail about them. The demands which the Government have already accepted out of fear and all that they are doing at present leads to undesirable consequences. Circumstances have now taken such a turn that if you go to an officer whether big or small, he says that it is the demand of the Muslims and you should keep quiet over it. Such conditions are prevailed all over the country. I cannot understand what this justice means. If this procedure goes on still further it will certainly bring about worse results. Yesterday it was stated that Kashmiri Pandits are holding all posts in all offices. I do not want that they should be ousted from Government services. I wish that they must remain there. It is their influence which helps them to hold such posts. But it is a pity that no body's heart moves for the Dogra Community, none has any sympathy for these people. Previously Dogras were in majority in the Durbar. They were appointed to high posts. But now there is not even a single Dogra appointed on these posts. It is only yesterday that a Dogra official was transferred from the Hon'ble Prime Minister's Office to some other place.

LALA SHIV NATH NANDA: What is the definition of Dogras. Let us see whether we come within the definition or not?

LALA HANS RAJ: I always take Mr. Nanda as my companion. But I am at a loss to understand why he asks me such questions. This discussion which has been started bears dangerous consequences. But even then I could not help expressing my helplessness. We see that there is none to support and protect the rights of the Dogras. The Muslims are coming to the fore-front. The Kashmiri Pandits are also advancing speedily. It is because they are the favourites of the Government and they have also wielded a great influence over it. It is we who are stepping towards decline. It is because nobody cares for us. If such attitude of the Government will continue with regards to our condition, then we do not know what would happen in the long run. I stated yesterday and have also stated so many times before that those who

pray for Government services they will have to face despair. Now-a.days Government services are sought for taking bribes from the people and accumulating as much money as possible. The Government employees, instead of proving of any use to the public, cause great trouble and inconvenience to the people.

In the end I submit that the Conference Party should withdraw the resolution because it is not based on justice and foresightedness. It is just possible that the opposite Party will also move a number of such resolutions. Party spirit will never prove of any good and if encourged will lead to evil consequences. I would therefore strougly oppose the resolution.

MIRZA M A. BEG: Sir, I want to say something about the resolution before the hon'ble members. I hope I shall not be misunderstood and my speech will not occasion any displeasure among my colleagues. As regards the resolution in all the speeches which have been delivered by the opposite party, great emphasis has been laid on the fact that we want merit to be ignored and appointments made indiscriminately. I think that it has been clearly explained and repeatedly stated that this practice is not only impracticable but unreasonable also because it is very essential to keep merit and efficiency in view, in making appointments. On principle, we are not against a standard of efficiency being maintained, nor have we ever stated that. As regards the question of raising the standard of efficiency considerably there is no doubt that ultimately this shall be done. But to ignore the prevailing conditions and requirements of the country and fix the standard of efficiency at a high pitch would mean no less than injustice to the people, especially to those communities who lag behind in education. Yesterday my friend, Sardar Hari Singh, expressed a desire for a standard of efficiency being fixed, and said that he argued with those who claim efficiency. But the question is that before being appointed to a large number of posts, the Government provided them all facilities which enabled them to lay that claim now. The word *Ham* (we) does not include Muslims only nor is that the intention of the hon'ble mover of the Resolution It includes all those backward communities who have absolutely none or very meagre representation in the Government services. For instance Harijans, Sikhs and other communities I daresay, as the circumstances confirm it, that the poor people who have purposely been deprived of services ask that in view of the education facilities which were provided to other

communities they should also be provided with those facilities in the first instance and then should the standard of merit be fixed. They demand that the standard should accord with the facilities provided there. In reply to a question it was stated that there are 170 officials in the Press but none of them belongs to Harijan or Sikh community I ask, in the name of justice, whether they could not find a Harijan or Sikh even for the post of a peon. These are communities for whom they always profess to have sympathy. I submit that if they meant to appoint any Sikh or Harijan, they would have found one. It is not our aim that Government should show favours to Muslims only and appoint them to Government services. My learned friend Mr. Kak and Mr. Kilam have stressed this very point in their speeches. But to remove misunderstanding I want to make it clear that it is absolutely against our demand. Our demand is that no community should predominate Goverument services. The facilities provided to the favourite community should be kept in view in fixing their standard of efficiency where appointing them to Government services.

Now as regards the question of efficiency, I beg to submit that we should not make the standard of efficiency too exacting. Referring to Glancy Commission Recommendations, Mr. Kak said yesterday that at present the standard of efficiency cannot be raised too high, although in the long run recruitment shall have to be made on the basis of merit alone. I submit that the standard of qualifications proposed in the Glancy Commission Report is not meant for Muslims only but for all backward communities. The standard of efficiency should not be too exacting. We should study the previous condition of the country. In 1931, His Highness the Maharaja Bahadur appointed the learned and able Judges of the High Court to make an enquiry into the causes that led to the riots and whom the Commission considered the question of efficiency they came to the conclusion that :-

The question of employment of Mohammedans in the public services in larger number will have to be faced by the Goverument. Hindus who are Your Highness' hereditary subjects are highly educated and insist on appointments being given according to merit. According to a Hindu representative Pandit Jia Lal Koul appointments in public services should be made independent of any communal considerations. We are not prepared to agree with that view. In lower paid appointments a high degree of education is

not essential. Merit should be considered as merit necessary for the particular post and not in the abstract. If in a particular office the number of Mohammedan employees is small and the post is such as could be satisfactorily filled by a person who has only passed the Matriculation Examination, a Mohammedan with that qualification should be preferred even where a Hindu graduate offered himself for the post. If M. As. are appointed as peons and despatchers that would exclude from services all other communities, who cannot produce persons of such high qualifications. It was, in view of these circumstances that the grievances commission prescribed a standard of minimum qualifications necessary for various posts in the State. I think that Harijans and Sikhs are also backward in education. It is because most of them live in villages, are thus they deprived of the facilities of acquiring higher education. and have naturally to remain illiterate. For them also the same standard of efficiency has been prescribed.

When Glancy Commission Report was submitted to His Highness, he was pleased to remark :

"This is a logical exhaustive and lucid exposition of matter considered by the Commission".

If in view of local conditions and the educational facilities at present available to the subjects of the State His Highness was pleased to fix that standard and observe that "the logical, exhaustive and lucid exposition of matters". I think the present Ministers cannot claim to be better well-wishers of the people than His Highness. Whenever any hardship is inflicted upon the people the Muslims have to share a major portion of it because they are in a majority here and to some extent this is due to the policy of the present administration.

Circumstanced as we are, we find that such discussions give matters take a communal turn and whenever we talk about such things, they are given a communal tinge. It can be judged from the wording of the resolution that there is no motive of giving a monopoly to a particular community in Government services. I know whom the shoe pinches. We are their neighbours, and belong to the same place. Had this been a question of mere bread and butter, we would not perhaps have laid much stress on it. But, as it is, there is a strong link between the administration and the position and status of a community. A community which has no representation in the administration can have absolutely no status and position in the eyes of the public as well as the Government. You can, imagine, Sir,

the condition of the community which is excluded from the administration.

Suppose, Sir, merit to be the sole criterion for recruitment to Government services. But I submit that there are no schools for us, nor have we the same facilities which were provided to the favourite community, whom this resolution pinches much. There is another apprehension. We have to see as to who are the judges of efficiency. At present the members of a community so predominate the administration and are at the same time the judges of efficiency, that we can have no confidence in them? Monopoly in Government services has reached an extreme in the State.

In this connection I beg to submit that in 1929, just after the agitation, a Muslim candidate was deputed for training to England. On his return, he was offered the job of Rs. 100 only. He was B. A (Hons) L. L. M., Bar-at-Law but, to his hard luck, he was a Muslim. On the other hand a Hindu who was only Bar-at-Law was appointed direct as judge of the High Court in the State. By this it is quite clear that inspite of prescribing a standard of efficiency, injustice is done to backward communities. Even the judges of merit and efficiency hesitate to do justice to them.

I regret to say that Mr. Kak's speech compels me to place individual cases before the House. He has stated that an official, who failed in the examination, is still holding the post. He has rather been promoted to a higher rank.

Sir, I have been informed that two officials appeared in the examination, and both of them failed. It is true. But I beg to submit that the Muslim official who could not pass the examination was appointed to a post of Rs. 100 and is even now he is working on the same salary. But the other official who failed in the same examination but belonged to the community of my Hon'ble friend Mr. Kak was appointed to a post of Rs. 175 per mensem.

PANDIT GOVIND RAM KABU : Question !

MIRZA MOHAMMED AFZAL BEG : Mr. Kabu challenges my statement. Will he please name the person, to whom I refer? Will he please let me know whom I mean?

VOICES : Please mention his name?

MIRZA MOHAMMED AFZAL BEG : It is not necessary to mention the name. There is one Mr. Abdul Aziz Fazli of our commuuity. He is LL. B. and works in the office of the Accountant-General.

THE HON'BLE DEWAN BAHADUR N. GOPALA SWAMI AYYANGAR : I only appeal to the Hon'ble member, in the

interests of officers of Government that it is desirable that he avoids insinuation to any officers. If you make them the subject of debate, you can base your arguments on some practicable and concrete examples. I do not think it easy either for officers or for Government to introduce names in describing merits.

MR. M. A BEG : I understand the difficulty has arisen. I thought it was not necessary absolutely to mention names but while I was speaking Mr. Kabu challenged a part of my statement and asked me to come forward with names Therefore before mentioning any names I offered apology.

I was submitting that he is L. L.B. He appeared in the departmental examination also stood first amongst his colleagues. Besides I submit that there was a candidate of my brother's community who got plucked in the examination but at the time of promotion the same man was recommended for being promoted to the post of Assistant Income Tax Officer. So far as my knowledge goes he has by now been appointed as Assistant Income Tax Officer and the person who stood first in the examination is still working on his previous post. I want to enquire whether there was any justification for doing so Why was it done ? For obivous reasons. I submit, Sir, that a Muslim who acquired the highest degree in Engineering in England and had a matchless carreer was given a salary of one hundred rupees which he could not help accepting. If he had not accepted this post, he would have been ignored and the doors of employment shut on him. As against this there are several concrete examples which show that persons of other communities with the same degree and qualification started with a salary of Rs. 300. This is the treatment meted out by the Government to our community. Now let us take the case of the Sikh community. One of the members of this community who was a Head of Department got training in the Rural Reconstruction. Being a zamindar so far as I am concerned with rural reconstruction, I submit that the zamindars expected much from him; but soon after he was transferred to some other Department and another person appointed in his place. The obvious reason for this is that he wielded no influence in the Administration. Similarly there is another Sikh Officer in the Police Department. Although there are excellent remarks about his work, but owing to the same reasons, he had to meet the same fate. It is all due to the fact that a small minority community so predominates Government services that the rights of

no other community are safe.

Last year my friend Sheikh Mohammed Amin asked a question about the total number of Head Masters in the Education Department, and the number of Muslims among them. The reply was that the total number of Head Masters was 24 of whom six were Muslims. At present I have not got sufficient time otherwise I would carry you through the debates of the Assembly and show how Sikhs and Muslims are being deprived even of the posts of Forest Guards and Chaprasis for which no educational qualification is required. The only reason why they have been deprived of these posts is that a small community predominates the Administration. I would therefore submit why the Government should not appoint a Commission to see where and why orders have been contravened.

I am thankful to you Sir, and the Hon'ble Minister for having given me a patient hearing. I hope you will allow me some more time to express my ideas.

LALA SHIV NATH NANDA: But I am afraid we will then have no time to express our ideas.

MOULVI MOHAMMED ABDULLAH: Everybody should be allowed to make a speech if he has arguments to advance.

SHEIKH ABDUL HAMID: Sir, I want to invite your attention to Article 73 of the Rules of Business and Procedure, According to this article each member has a right to speak for fifteen minutes only. Therefore every member has a legitimate right to speak for 15 minutes on the resolution and 15 minutes on each amendment of Mr. Kak and Sardar Hari Singh. It means that he can speak for 45 minutes continuously. In the presence of this Rule, I think no favour is being shown to Mr. Beg.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): It is impossible to give separate time for debating the resolution and the amendments.

MR. M. A. BEG: In 1991-92 a question was asked about the number of vacancies of Khidmatgars in the Medical Department. The reply was four, out of which one was given to a Muslim. What I mean to say is that we have been ignored even in making appointments to these posts. I only want to submit that every community should get fair representation in Government services. The official record will show what, with the exception of one favourite community, all other communities are getting. My friend informs me that out of ten over-seers there are only two Muslims.

There is another point to which I want to refer. It has

been remarked by our friends that on the one hand we people boast of being nationalists and wish to have responsible Government and on the other we move resolutions that we should be appointed in Government services on population basis. With regard to this, I beg to submit that the resolution does not mention the name of Muslims. If this resolution perturbs anyboby, that is quite different.

PANDIT JIA LAL KILAM: It does not perturb anybody. I rise to a point of order, Sir. While making his speech, he must use parliamentary language.

MR. M. A. BEG: It is absolutely parliamentary.

PANDIT JIA LAL KILAM: It is for the Hon'ble President to say and not for you.

MR. M. A. BEG: But I have got a right to make a submission.

PANDIT JIA LAL KILAM: And so have I: My submission, Sir, is that he should withdraw the word "Pareshan".

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) What does he mean by the word "Pareshan?"

PANDIT JIA LAL KILAM: That it has disturbed our mental equilibrium.

MIRZA MOHAMMED AFZAL BEG: There was no question of losing mental equilibrium. My brethren Mr. Kak and Mr. Kilam have not understood me well. We wish every community to get its legitimate share.

PANDIT LOK NATH SHARMA: Sir, how much time has he been given? He has exceeded the limit.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): He is finishing his speech, now.

MR. MOHAMMED AFZAL BEG: If by nationalism he means that a small community should predominate all the departments I think, it is unreasonable. We only demand that each and every community should be granted its legitimate rights and the small favourite community should not be allowed to take an undue advantage of the backward position of the Muslims, Sikhs, and Harijans, and predominate the services. As the question of recruitment is at present, under the consideration of the Government, I wish that every community should be granted fair representation in the administration.

Sir, you are aware of what happened to the Harijans in India. When they were crushed in Madras and deprived of their proper rights, they could not find any other alternative but to embrace Christianity and if at this juncture, well-wishers of the country like Mahatma Gandhi had not

declared their resolve to fast unto death and encouraged them and appointed them to high posts as those of major the situation would have brought about most terrific and sad consequences.

As regards the State, I submit, Sir, that you will never find any place, where there are one or two members of the favourite community, without a school or hospital. Since the rights of other communities are being usurped in this way, we want that.....

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Your time is over.

MIRZA MOHAMMED AFZAL BEG: I will take only two minutes, Sir.

We are prepared to give weightage to each community provided it is in minority in institutions where it demands weightage. Just as in the Press where there are 172 employees and none of them is a Sikh, Harijan and Muslim, weightage must be given to these meagrely represented communities. But contrary to this, if a particular community has not left anything for other communities in any institution, how can weightage be given to that predominating community. But if it is stated that there is a majority of Muslims in the scavangers of the Srinagar Municipality.....

A VOICE: Do you allow this, Sir?

MIRZA MOHAMMED AFZAL BEG: We demand that according to the Glancy Commission recommendations that have been approved by His Highness all Sikhs, Harijans and Muslims should be granted their legitimate share in Government services.

PANDIT LOK NATH SHARMA: Sir, I was thinking since yesterday as to whether I should speak on this resolution or not. But to-day having heard the speeches of the members who have supported the resolution I think it is proper to remove the misunderstanding which has occurred in their minds. I will take two aspects of this resolution. Firstly what will be the consequences, if this resolution is accepted. Secondly how long it will take to carry out the resolution literally and collect the figures. I beg to submit that from yesterday I read the resolution nearly twenty five times with a view to know its true meaning, but I could not understand it What I have been able to understand to-day is that Mr. Beg and Mr. Amin are the protectors of Sikhs and Harijans, as if Hindus have nothing to do with these people. May I ask them why they have said so. Have the Sikhs complained to them that they should be

given seats on population basis and if they want to redress the grievances of the Sikhs they may please say what will go to sikhs if appointments are made on population basis. The total population in the State is thirty eight or thirty nine lacs and out of it only fifty thousands are Sikhs. Suppose ninety posts fall vacant.....

A VOICE (from the Conference Group) They are sixty thousand in number.

PANDIT LOK NATH SHARMA: Now, please listen to me calmly. You have played your game. Now the bat is in my hand. You just throw a ball and I will hit it. You may stop it if you can. If you can catch the ball, do so, otherwise let it go to the boundary line.

I was submitting that if there are ninety vacancies, then according to the population, one will go to the Sikh Community and unless the remaining eighty nine posts are filled by other communities or unless a Sikh official who is already appointed in the Government Service dies, no other Sikh can be appointed to any post.

MIRZA MOHAMMED AFZAL BEG: This is wrong. This has never been the intention of the resolution.

PANDIT LOK NATH SHARMA: My friend, who has read the General Clauses Act, should keep a dictionery with him and if he cannot understand the meaning of the word "wrong" he should withdraw it.

I submit that against the entire population of thirty nine lacs, Harijans are only one lakh and seventy five thousand in the State. If my learned friends mean that like Sikhs, Harijans should also be represented in Government services on population basis, then God only could protect them from the horrible consequences. If the demand is agreed to the Sikh Battalion in which there 60 or 70 per cent. Sikh soldiers.....

SH. MOHAMMED AMIN: One per cent.

PANDIT LOK NATH SHARMA: All right.

MIRZA MOHAMMED AFZAL BEG: This is a "Reserve" subject. It cannot be discussed here.

SARDAR HARI SINGH. These Sikhs have been recruited from the Punjab

LALA HANS RAJ: Why they were imported from the Punjab?

PANDIT LOK NATH SHARMA: There are at present three hundred gazetted posts, but as according to the resolution appointments have to be made on population basis no gazetted post will go to any Sikh while three or four Sikhs are already holding gazetted posts in certain Departments.

A VOICE: No. No.

PANDIT LOK NATH SHARMA: The Government shall have to prepare a list of gazetted posts, superintendents, clerks and menials in various Departments and fix a proportion for each community. It will be incumbent on the Government to prepare lists of Harijans, Khatris, Brahmans, Mahajans and Rajputs and the lists of Sunnis, Shias, Qadians and other Muslim seats.

MIAN AHMED YAR: Question.

PANDIT LOK NATH SHARMA: Let there be question. But I want to know why you create friction amongst us when you do not to have any amongst the Muslims.

Sir, I was stating that we have to see what will be the effect if this resolution, worded as it is, is carried to its logical consequences If it is accepted then besides many other aspects, Government shall have to maintain facts and figures for every community show how many Rajputs, Kashab Rajputs, Dosalis, Barbars, Blacksmiths, Carpenters and other persons of various sects and communities are appointed in different departments of the Government. My learned friend Mr. Beg has stated that a small community, which is the favourite of the Government has established a monopoly in the State departments and predominates the machinery of the Government.

MR. BEG: I have not complained of them. I have rather complaints of the Government, which is responsible for all that.

PANDIT LOK NATH SHARMA: I want to ask my friend whom he addressed whether a particular community or all Hindus collectively? Since he has not explained his words lucidly the matter has been left as ambiguous. If he had courage of conviction, he would have explained clearly whom he addressed.

However, I want to ask my brethren whether it is justice that they should attack the native minorities who are solely dependent on petty services. I think that my learned friend should have stated from the very outset whom he was pointing to. Rather they should have expressed themselves in such a plain and easy way which could be understood by the illiterate people. As he has not done so therefore I entirely take it for granted that these words have intentionally been used for the Hindu Community.

In this connection I want to submit that so far as Hindus are concernnd, their appointment to Government services has been withheld since the sanction of the Glancy

Commission Report, and instead of this the Muslims have been provided with all possible facilities. I do not want to go into details but I will state something and support it with facts and figures. It has not long, when a Muslim Sub-Judge having superseded several Hindu Sub-judges, was appointed to the post of the Sessions Judge. In order to appoint a Muslim to the post of Sub-judge, the rights of many Hindu Sub-judges were ignored. I will quote another case pertaining to the Judicial Department and will say whether Hindus are the favourites of the Government or the Musalmans. There is another Judge in the Judicial Department who cannot see anybody even at a distance of two yards He can neither read anything nor write. Not to speak of this, he cannot read even what he writes himself. But still he has been vested with the powers under Section 30. This is the condition of the favourite Community. Similarly there are so many judicial officers who have been given undue promotions and are thus made senior to the Hindu officers. My learned friend has also stated that they are in a minority and are not fairly represented in the Government services I will state that if they wish to have removed their paucity in the State employ, then it should be the policy of the Government that those officials who are fit for performing their duties, they should at least be retained in the services. Sir, I can quote several examples which may elucidate that many Hindu graduates applied for LL B. scholarship and tried their utmost to get the scholgrship but they were refused. On the other haud, Government granted these scholarships to the members of the same favourite community and same of them after getting the scholarships were appointed to high and respon-ible posts in their return. They are at present getting Rs. 400 to Rs. 600 as their pay.

My friend has stated something about the appointment of a Hindu officer to a big post in the Judicial Department. But I submit that it is an isolated example and it cannot be applied everywhere. In view of this fact I submit that I have got so many examples, which will show how favours of the Government have so liberally been shown to the favourite Community. I do not want to prolong my speech by quoting such illustrations. But I must say that now their mentality has so changed that such questions are being asked by them in the House as to whether Government has decided to give preference to a Muslim Matriculate over a Hindu Graduate. This is just a specimen of their mentality I do not want to raise a Hindu-Muslim question

But things have taken such a turn that one has to say something about it. If they claim that services should be given on population basis then why do they not move a resolution that the convicts should be sent to jails on communal basis. Similarly the wards and beddings in the hospitals should be distributed on communal basis, and if the fixed percentage is exceeded by a member of a certain community joining the hospital, he should be turned out. If this happens then why should we not pray to God that whenever Cholera or Plague breaks out, in the country. the mortality in a community should be based on its population. If proportion is to be taken into consideration then it should not be done.

Our mentality is so debased, that in the Judicial Department where irrespective of any communal discrimination. justice has to be administered, applications are submitted in which it is asked that if the Government have to appoint a tribunal, it should appoint one Hindu and one Muslim as member of the tribunal. We can quote many examples in the matter. When the Government felt the necessity of appointing a Tribunal in the last agitation, both the Muslims and the Hindus submitted their applications from different quarters that they might be taken in the Tribunal. We have got nothing to do with the fact why Muslims or Hindus should be appointed as members but it is our greatest desire that if a person is to be appointed to a responsible post, preference should always be given to an efficient, intelligent and capable person at the time of recruitment. There is a saying "Wise friend is better than a foolish enemy" (Laughter). It is just a slip of tongue. I mean to say that—

"A wise enemy is better than a foolish friend."

I was submitting that if apart from communal sentiments we think over this problem cooly and see what difficulties will have to be experienced if this resolution is accepted, then everybody will come to this conclusion that it is not a true solution of the problem, nor is there any reasonableness in fixing the proportion of 76 : 24 on population basis. Without any exaggeration I will state that if it is put into practice then after fifty years the Hindus will entirely lose their chance of appointment in every department of the Government and none but Muslims shall have their hold on the posts in the State. If the Government claim that it is their desire to maintain peace and order in the country then it is very necessary that they should treat all alike. Government is responsible

for ameliorating the economic condition of the people and improve their lot otherwise. If it does not do so then it cannot be called the best Government. Therefore, I submit that Goverument should not accept the resolution. My learned friends have occasionally stated that they are in a majority. I admit that. I want to ask them whether the majorities of other countries of the world met out the same treatment to the minority communities. By moving this resolution, their intentions have been exposed. It mirrors the mentality of their community. We feel that as they are in a majority they want to predominate everything. They want greater number of posts and other things but they should think that the majority should not be so overwhelming as to endanger the minorities The majority should adopt a friendly attitude and consider such things as may not prove harmful to the minority communities. History tells us that wherever the minorities are in power, they always try to bring their own men to the forefront. Government help them in every possible way. You will see the same policy everywhere but you will not come across such an incident in the State. Our State is far above these things. Without any fear of contradiction, I submit that the Government of the State has given such a proof of justice and equity which cannot be expected in any other state. There is a glaring instance. Just take the case of Hyderabad State Kak Sahib has already stated.....

MR BEG : We have nothing to do with Hyderabad State.

PANDIT LOK NATH SHARMA : Well if you are not responsible for Hyderabad you are certainly responsible for the reign of Akbar who is considered as an enlightened king. History says that in the reign of Akbar doors for employment were opened both for the Mughals and the Afgans but they were closed upon the rest. This sort of treatment was natural, because their aim was to benefit their own community. As an example I will read out a passage from Dunbar's History of India, which will make it clear that in the reign of Akbar Afgans and the Mughals were in a respectable position :

"The Public service was in theory thrown completely open to Hindus as a career in the reign of Akbar. But the Goverument lists in the Ain Akbari show that out of 415 higher officials 51 only were Hindus and that these were almost all Rajputs, whom it was Akbar's policy to conciliate; in forty years only two Brahmins appear in these upper grades. Of the rest there were very few

Hindustani Musalmans in the higher ranks of the Army and civil service ; the majority were Persians and Afgans." However, leave it aside. I will not quote the instances of the past. I will cite an instance that has taken place to day in this State. It is to-day that the Hon'ble Home Minister in reply to Q. D. No. 581 Serial No. 571 of Haji Ahmadulla Shahdad said that the number of Muslims on the new appointments which have been made in Education Department is 148 and that of non-muslims is 99, in Medical Department Muslims 55 and non-Muslims 41, in Police Department Muslims 13 and non-Muslims 9, in Public Works Muslims 2 and Non-Muslims 4. Electric Telegraph and Telephone Department Muslims 19 and non-Muslims 16 I want to ask what discriminatory treatment is shown here They say that the recommendations of the Glancy Commission are not acted upon, but I would like to submit that more than what they have recommended is being done. This is the treatment which is meted out to Hindus, about whom it is said that they are a favourite community.

MIAN AHMED YAR : Still the proportion is not complete

PANDIT LOK NATH SHARMA : The proportion will not be complete even till the day of judgment. I want to submit that if the Government is run on communal basis and proportion above kept in view, it will cease to function very shortly.

If your principle of proportion is adopted it means that if there are four vacancies in any Department three will be filled by the 76 percent majority and one by 24 percent minority. In the latter case this also is to be seen whether it will be filled by a person from Hindu Sikh or Harijan Community. Now just consider how the three vacancies are filled. Two persons are available but the third is not to be found. How they manage for this ? The Government transfers a Muslim from one Department to another, even though he may prove unfit for this post. It is the duty of the Government to see at the time of recruitment whether a person is fit for the post or not. At the time of recruitment it should not be the only idea of the Government to make up the proportion of the favourite community. But regard must be had for two points. In the first place there should be due representation in services and in the second place regard should be had of ability when filling a vacancy irrespective of the fact whether the person to be appointed is a Hindu or a Muslim, but it should be seen whether the person

to be appointed is fit or unfit for the post.

The intention of my learned friend in moving this resolution is that 76 percent. services should go to Muslims and 24 percent. to non-Muslims. By this if his aim is to convert them to Islam and that is a different thing. I don't know if my learned friend has seen what the Government is doing for the Favourite Community In this the proof of their being a Favourite Community if a few more of them are employed on posts of Rs. 15 or Rs. 20.

In conclusion I want to submit that we were under the impression that a change has come now, in their mentality. They announce by the beat of drum that they are nationalists.

They have filled the columns of the "Tribune" and every other prominent paper with the statement that they want co-operation of minority and that with their co-operation they could establish a responsible Government. If this is the example of co-operation then non-co-operation is better.

SHEIKH ABDUL HAMID: Sir, considering this resolution and the amendments, which have been moved in the House, and keeping in view the speeches that have been made by the Hou'ble members about them, I am forced to say that neither the resolution, in itself, is fit for being accepted, nor is its amendment such as can be considered. I will submit the reasons for their opposition very briefly. The subject matter is so comprehensive that a man can speak on it not for hours but for days together. But thinking that perhaps others want to speak on it, I will not take much time.

First of all, I will take up the resolution. By reading it, it appears that the resolution has been moved with this intention that if a community is under-represented in Government services they should be given representation according in proportion to their population. Further his intention is that unless they have got representation in accordance to their proportion doors of employment should be entirely closed upon other communities. In my opinion, if this resolution is accepted in the from in which it is moved, and the Government is ready to give a practical shape to it, then it will be an action the like of which will be difficult to find anywhere else. There is also a possibility of producing bad effect. Suppose this resolution is accepted and the doors of employment are closed upon Kashmiri Pandits till Muslims, Harijans, Sikhs and Buddists are employed in proportion to their population. The result will be that

those who finish their education and try to get employment, will commit suicide, when they will come to know that the doors of employment are closed upon them. They will either be effaced from the page of existence or they will adopt means to invent bombs or think of violent schemes. Instead of utilising their brain, which is enlightened with education for the service of the country, they will use them for the above-mentioned activities. They will put in their efforts and see how they can put the Government to an end so as to be able to get a share in Government serivces so that they can maintain their family. Therefore this resolution, in the form in which it is moved, will produce dangerous results. It is not fit to be supported.

I want to draw the attention of the House to page No. 25 of the Glancy Commission Report which is in my hand. In which the paucity of Muslim representation in the service, has been admitted. It is undoubtedly true that this resolution is not meant for Muslims only but it is for other Communities as well. This also is a fact that Muslim representation in Government services is insufficient. Similar is the case with other communities. Even tenth part of the followers of Buddism are not in services. Their number is very small. This inevitably affects their economic, social and cultural condition adversely.

In view of this it is necessary that the representation of these communities be increased gradually in Government services. But at the same time it is dangerous to stop the recruitment of others. For this reason I oppose this resolution.

Now remains the question of Mr. Kak's amendment about the standard of effieciency. Regarding this I want to submit that it was this "standard of efficiency" which in reality was the cause of the agitation, and resulted in the death of many and entailed heavy expenditure to the Government.

When there were a few schools the number of those who could read and write was very small. Our sister community was the first to take to education. In these days the standard of efficiency was the primary pass and primary passed persons were generally available amongst them. But when other communities began to read, the standard of efficiency was raised to the middle pass. By and by, it was raised to Matriculation then to F. A , then to B. A. Now it is raised to LL. B. in which there are divisions and it is said that a certain person has passed LL. B. in a certain division. In my opinion if this is called the standard of

efficiency then how can the recommendations of the Glancy Commission which have been accepted by His Highness be acted upon. Therefore my submis ion is that the result of this amendment, which has been moved with the intention that merit be observed in recruitments, would be that when two posts fall vacant, applications will be invited, candidates will submit their applications and a Board will be formed and those who are fit will be appointed. This is the intention of the mover of the amendment in spite of the fact that it is evident to all that the standard of education of Muslims has not reached to such an extent that they can compete with the sister communities. They cannot secure good numbers in competitive examinations. Therefore this amendment is not fit for being acted upon. Perhaps Mr. Kak wants that the doors of employment be closed upon others, and that all the services be given to his community on the basis of merit, while all others be deprived of services. If his amendment is accepted the result would be that the Muslims will again start an agitation.

My learned friend Sardar Sahib has submitted an amendment. In his opinion an even proportion should be maintained That can be done only when his community is given 32 per cent or 33 per cent services. Here are three communities, Hindus Sikhs and Muslims. If an even proportion is meant to be maintained then every community will get 33 per cent services. In my opinion, this is not right. Every community wants some weightage This does not mean that for a million of population they should be given ten posts. Weightage means that instead of one it should be one and a quarter or at the most two. There should not be a difference of hundreds. Therefore I oppose this resolution.

My learned friend Pandit Lok Nath Sharma remarked about a certain gentleman that in spite of his weakness in eyesight the Government has continued him in his service. I also will point out a similar man belonging to the community of my friend.

PANDIT LOK NATH SHARMA: He is dead.

SH ABDUL HAMID: He was not dead when he could not recognize even peons. He used to come to the court but he could not see anything. Though it is against my conscience to say anything against the dead, but so far as I can remember witnesses appeared before the Anti Corruption Commission and adduced evidence against him. At least the gentleman who Mr. Sharma has referred to is dishonest.

PANDIT LOK NATH SHARMA: However, he is not blind.

SH. ABDUL HAMID: My friend again says that he is blind. I can safely say that even if he is blind of eyes, he is not blind of reason. He does his work blindly. However I want to submit that the present system of recruitment which the Government has adopted is that they employ gradually the people of that community whose representation in Government services is not adequate, with a view to make up the deficiency. It is not possible to retire all the present employees from service, all of a sudden, and then to grant them pensions They will continue till the period of their service is over. Those posts which fall vacant are given to those communities whose representation in services is inadequate. In my opinion the procedure should be like this. Suppose three posts fall vacant. One should be filled by direct nomination from among the community whose representation is inadequate. But at the same time regard should be kept of merit, because inefficient persons cannot conduct the work. The second post should be filled on the basis of merit and the third post should be filled according to seniority because those who are senior will feel if their seniority is ignored. This is my opinion. If this procedure is followed it will be very good.

Last time it happened that a deputation on behalf of Anjuman-i-Islamia waited upon Hon'ble the Prime Minister There the question of services also was brought under consideration. He (the Hon'ble Prime Minister) replied that there is no doubt about the fact that there is inadequate number of Muslims in Government services. He promised to make up this deficiency by and by. According to the facts and figures it appears that this deficiency is being made up gradually. I do not find any reason for creating friction.

I think the mover will be pleased to withdraw his resolution, and Mr. Kak will not press on his amendment. If he insists then all of us should join hands and try to make his resolution unsuccessful.

PANDIT GOVIND RAM KABOO: Sir, I had no idea of speaking on this resolution. But such things have been spoken in the House from various sides as have created a misunderstanding. Therefore, I feel it a duty to remove this misunderstanding. I am thankful to Sheikh Sahib who has removed the misunderstanding through his speech, to a great extent. But still there are some points which some speakers have stated in connection with this resolution; and I want to submit something about them.

Sir, I am connected with a national institution, in which every person irrespective of caste, creed and colour receives education. Since the last nearly thirty years, not hundreds, but thousands have been benefited with education in this institute. My profession is such that it makes no distinction between caste and creed.

A VOICE: Whose school is that? Has it got no religion?

MIRZA MOHAMMED AFZAL BEG: It belongs to Roman Catholics.

A VOICE: But Bible is being taught there

PANDIT GOVIND RAM KABOO: No, people of every religion have been benefited with education there Bible is not being taught there. No tuition fee is charged in that school. If any gentleman wants to know further details he can see me afterwards, and I can tell him all.

Sir, with all this I mean to say that we should not indulge in communal questions. But since some Hon'lqe members have used the words "favourite-community" in their speeches, I want to ask as to what concessions have been granted to that particular community, which they call a favourite-community, in securing services and obtaining education?

Sir, to a Kashmiri Pandit education is the light of eyes. Their idea is that without education man is not a man in the real sense of the word The culture of Kashmiri Pandits was such that they were inclined towards securing education. It is not in British rule or Dogra rule that Kashmiri Pandits are advanced in education, but if you study the history of Kashmir you will find that they were not behind any other community in education in the reign of Mugals and Pathans. It is a historical fact that in the reign of well known Muslim ruler, namely Zainula-bi-din half of his cabinet members consisted of Kashmiri Pandits Was king Zainula-bi-din a Kashmiri Pandit that he gave special concessions to them and appointed them as ministers. Similarly in the reign of Mugals and Pathans the Post of Dewan was held by Kashmiri Pandits.

MR. MOHAMMED AFZAL BEG: What were his duties?

PT. GOBIND RAM KABOO: The duties of an Accountant General.

MR. KILAM: He used to be the Accountant-Genera himself.

PANDIT GOBIND RAM KABOO: The reason for this was that when Persian was introduced here Kashmiri Pandits

began to read Persian, and did not remain behind any other community in learning Persian. They continued it till English was introduced. When the present system of education was started several schools were opened, and equal facilities were given to all communities. The doors of the schools were opened to all communities. Anybody who intended to read could do so. Special scholarships, which are granted at present to our sister communities, were not specially given to Kashmiri Pandits If the Kashmiri Pandits secured scholarships it was through their merit. Separate scholarships were not provided for Hindus as they are being provided for muslims now-a-days. In spite of all this Kashmiri Pandits continued to study. Was any favouritism shown to them? No, such was not the case. It is natural tendency of Kashmiri Pandit to get education. I can quote several instances to show that they have obtained education even in poverty. Widows have worked on the spinning wheel with a view to defray the school expenses of their children. To get education was the question of culture and knowledge with Kashmiri Pandits while it had become an economical question with other communities. Our Muslim brethren owing to the conservatism of Moulvies and religious leaders and for the reason that education requires time, remained behind in education. When a son of an artisan could earn Rs. 15, Rs. 20 or Rs 30 per month do you think that he would waste ten or twenty years of his life in securing education. Muslims looked on education from economical point of view. I can show you some Muslim families who did not look at education from this point of view. The members of these families did not secure education with a view to earn a living, but they considered it a precious wealth. They secured education inspite of many obstacles in their society, others looked as it from economical point of view, and, therefore, did not go to schools. Kashmiri Pandits did not get special concessions by which they secured education, and then Government services.

LALA SHIV NATH NANDA: All know your ability; there is no necessity of displaying it.

PANDIT GOVIND RAM KABOO: Thank you for the compliment. What I mean to say is that when the schools were open equally for all, why did not our Muslim brethren secure education inspite of their having Islamia Schools as well.

So these are the reasons why Kashmiri Pandits stole a march upon other communities in education although they

had to face several hardships, and though it was tried to efface them from the page of existence. But on the other hand it is they who were invited for services. This was the question regarding the education. Now take the question of services.

It is since ten or twenty years that local men have been taken in services. This was natural that the sons of artisans could not get Government services, because the son of a carpenter who has no education cannot work as a clerk. In offices chairs are not made

It has been specially referred that in Accountant-General's Office and Public Works Department Kashmiri Pandits are employed in large numbers In this connection I want to ask whether there ever was any Kashmiri Pandit at the head of these Departments that they employed them in large numbers? Is it not a fact that for a long time English men were employed as Accountant-General? Is it not a fact that the Heads of the Public Works Departments and Forests who had authority of making appointments were all Englishmen? Is it not a fact that Engineers of the State were, for a long time Englishmen?

SHEIKH ABDUL HAMID: We admit that.

PANDIT JIA LAL KILAM: Sir, he says that they admit it. But I want to ask as to who is he to admit. This is submitted to the Government.

SHEIKH ABDUL HAMID: We say that we admit that you are advanced.

PANDIT GOVIND RAM KABOO: Thank you for that; but I am replying to objections.

Suppose the Government had given concessions to Kashmiri Pandits why it is so that in the institutes, which belong to Englishmen, more Kashmiri Pandit servants are found. Is it that the officers of English school favoured specially Kashmiri Pandits, and had enmity with Muslims? In fact the reasons are the same which I have submitted above. It was not possible that the son of an artisan could accept an employment of Rs 5 when he earned twenty or thirty rupees

Sir, besides this what I want to bring to your notice is that the Kashmiri Pandits are at present also, employed in the private firms of our Muslims brethren. The reason is that they cannot run their work without employing Kashmiri Pandits. In view of this I want to know as to what sort of favouritism has been shown to Kashmiri Pandits by which they could secure more services.

In conclusion I want to submit, as I have done in

the beginning, that it is because of their culture that Kashmiri Pandits secure education. They learn for the sake of learning. If in future, doors of education be closed upon them still they shall read and get services.

There remains the question of the sweepers of the municipality referred to by my learned friend Mr. Beg in his speech. He said that they are in a majority there. I would submit that Kashmiri Pandits do not want to become usurpers.

We congratulate them on that score. We do not want to interfere with them.

Sir, I have taken ample time. I could not say anything on the original resolution, nor do, I think it necessary, to do so, because what I had to say in this connection has been said by my Hon'ble friend Sh: Abdul Hamid. Therefore, considering it suffcient, I strongly oppose the original resolution.

COLONEL SANSAR SINGH: I too want to submit something about this resolution. It appears from the speeches that have been made in this House since yesterday that a communal atmosphere is being created. We do not appreciate this sort of mentality. I had no inclination to speak but, since a reference to Rajputs was made yesterday. I consider it incumbent on myself to speak.

It is an admitted fact that at every place and in every state the conquerors get concessions. Even English people, being conquerors, get special concessions here. Had the Rajputs been granted any concessions because of their having extended not only the boundaries of the State but of the whole of India, they as conquerors had a right to it But no such treatment is meted out to them. On the contrary they are taunted. There is no denying the historical fact that the Rajputs have taken greater part in establishling and extending the territory of Jammu and Kashmir State. The Rajputs of this State have extended the territory of India also Refer to the History of India by Mr. Panikar. I want to ask my friends as to who has conquered Ladakh and Gilgit and how many Rajputs died in Ladakh and Gilgit under the command of General Zurawar Singh, General Hushiar Singh and General Baj Singh, before Ladakh and Gilgit were conquered. We hoped that our Hon'ble friends will appreciate our bravery. But on the contrary they are taunting us. Is this justice that we should be sent to face the cannons, we should make conquests, make sacrifices, and when any concession is granted to us, they should express their displeasure, and

raise communal questions ?

Now the question is that the Rajputs are appointed in military in greater number. In reply to this I would like to ask whether the other communities are not appointed in the Military. Do my friends forget that General Samandar Khan and General Furman Ali Khan were Generals of our Military ; and that others were on still bigger posts ? Who has appointed Colonel Abdul Rahman Khan, the Hon'ble Member of this House, as a Colonel ? There is one principle which is observed in military appointments, namely that the man who is to be appointed in the military should have connection with a martial race. This principal is observed in British India also. I hope that every one will admit that Rajputs have really proved a brave community. So if they have been appointed in the military does it mean that they have been granted any concession ? It is not so. On the contrary their past services are hardly being recognised.

There remains the question why the Rajput School has been reserved for Rajputs alone. Is it a concession to Rajputs ? Do not the Christian and Muslim schools receive lacs of rupees as grant-in-aid, annually ? Did not the Muslims get '*Gundu-Ki-Chawni*', in Jammu, for the school building ? If a School has been opened specially for Rajputs what of that ? There are several such students reading in the Rajput training School whose fathers and grand-fathers have sacrificed their lives in the battle fields If some arrangement has been made for the education of their sons wherein lies the harm ? When sufficient aid is granted to several Christian and Muslim Schools it is sheer malice to grudge the Rajputs' even one school.

In conclusion, I want to submit to the Government that the sacrifices made by the Rajputs in making the conquests are being ignored and our high military training is disregarded. I hope the Government will give up the communal policy and do justice. With these words I oppose this resolution.

Lala Ram Lal : Sir, many speeches have been made in opposition to this resolution. I too want to speak something about it. The mover, in his opening speech, said that no communal question arises from this resolution. But the wording of the resolution, leaves no room for doubt that it has a communal tinge about it. Mr. Amin has pleaded the cause of Harijans and Sikhs. But I want to ask him whether he holds any brief from them that he appeals for mercy on their behalf. The wording of the resolution is

communal. Its effect would be that the doors of employment will remain closed upon Hindus for several hundered years, and they shall have to face many difficulties. Yesterday while stating facts and figures, Mr Kak brought home to the House as to how good treatment is meted out to them. However. I have nothing to do with that. But what I want to submit is that Sheikh Mohammed Amin spoke many times in this House that Industries and Customs Department etc. are run in the best manner in Hyderabad (Deccan) Mr. Kak while referring to Hyderabad (Deccan) said that in the Judicial Department there 17 posts are held by Hindus out of 190 posts.

MIRZA MOHAMMED AFZAL BEG: Does it mean that if injustice is being done to Hindus in Hyderabad you will adopt the same policy towards Muslims here?

LALA RAM LAL: I do not mean that I want to submit that they are considered backward in merit and so long as they do not become efficient they cannot get any posts. But here merit is ignored, and the proportion according to population is pressed for It is just now that Maulvi Mohammed Abdulla said that they should let go the question of merit. and that if merit is to be taken into consideration all Muslims will fail.

I want to ask as to what sin Hindus has committed that they have got merit. They have ruined their life and property, and that is why they are being thrown behind. This question of proportion is no less than a death blow to the minorities and backward communities. Here Sikh and Harijans are two backward communities. The population of Sikhs is nearly fifty thousand. If two hundered posts, fall vacant at a time it is just possible that one post or something like that will be given to Sikhs. From this proportion it can be calculated as to what representation the Sikh community can get in Government services. The more backward community is that of Harijans. Nobody cares for them. The leader of our group proposed that since the Harijan community is a backward therefore meausres should be adopted to remove their backwardness. The Government replied that every possible effort would be put in for the welfare of Harijans. Now if 76 and 24 percentages are fixed, how can their welfare be expected?

Regarding Sikhs, I would submit that the Hindus have never raised an objection to more posts being given to them, because they feel that Sikhs also are a minority like Hindus, therefore they should be treated with good-will. Muslim brethren also should have adopted the same princi-

ple. Since Hindus are in a minority, therefore it is imperative that they should be given every facility. I want to say that communal proportion in services will produce dire consequences, and that this proportion is not ever lasting. As an instance. I would submit that two Muslims were appointed in the Judicial Department one as Sub-Judge and the other as Munsiff. The Sub Judge was so much frightened with the work that he resigned. The Munsiff could not pull on with the work, and good deal of work remained pending, with the result that remarks were made against him. These are the consequences of making appointments on communal basis and ignoring merit. Pandit Sahib said that a Muslim superseded 104 employees in a certain department. In support of this it is said that this is being done in consideration of communal representation. Is it creditable for the Government to do injustice to other communities? Is it justice that a man should supersede 104 men?

I want to say something about Poonch. There also Hindus and Sikhs are being greatly annoyed. There was one B. A., LL. B,. It was desired to send him for foreign training. Upon this the Muslims demanded that their men also be sent for foreign training, though there was no Muslim with such a qualification. The Government, consequently, had to drop the idea of sending the Hindu for foreign training.

Similarly I asked a question regarding the Sikh community as to why they were not taken in services, like the members of other communities. The reply given to me was that it was desired to give posts to Muslims In Poonch the communal mentality has reached such an extent that generally it is said "Islam is in danger" and "the Quran Sharif is being desecrated"!

MIRZA MOHAMMED AFZAL BEG: Can he refer to such things?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Confine yourself to the subject.

LALA RAM LAL VAKIL: My friend feels annoyed at this? Is it not a fact that a Muslim, B. A. was sent for foreign training after bringing pressure on the Government? In order to please Muslims, Hindus are removed and Muslims are appointed. It was just now stated that in Poonch the post, to which a Hindu was appointed was reduced, and then again the same post was created for a Muslim. I would submit that it is not proper to run the Government on this sort of principles. This will cause disruption in

the administration. I do not want to mention the names. The present Revenue Secretary was, a little ago, Assistant Secretary. But marring the rights of others, he has been promoted to Secretary-ship.

MR. PRESIDENT (The Hon'ble Mr Justice K. L. Kichlu) : What is the necessity of mentioning names.

LALA RAM LAL VAKIL : Sir, I want to submit that in the first place they are taken in services in larger number, in the second place those who are already employed get promotion after promotion. In Public Works Department some hands were reduced, and afterwards orders were issued for creating those posts, and appointing the same reduced hands to those posts. But on the contrary what has been done is that some failed candidates from the Muslim community were appointed, while others were ignored. In Kathua there was a "*Mistari*" who was retrenched, but afterwards a Muslim who had not passed the examination was appointed to the same post. This is not all, but many overseers and Sub-overseers were appointed. If a clerk is asked to do the work of a carpenter and the carpenter is asked to do the work of a mason the result would be that the work cannot be done. Under the present system there is a possibility of all work being spoiled. This is nobody's fault. If they are not fit to achieve merit then the amendment which has been moved is in accordance with the principle observed in Hyderabad. The Nizam of Hyderabad has given up the proportion system and has recognized merit as a standard. Concessions have been granted to Muslims there. If a similar system is adopted in this State then all the Hindus of the State will be prepared to give up their religion, and embrace Islam, so that they can get employment. Services will become the means of propaganda in Hindu States. Under these circumstances the resolution which has been moved is not acceptable in any case.

It is an illusion that the Hindus are being invited, and Sikhs and Harijans are tried to be included. They say that a National body will be constituted. We shall not fall into this net. The amendment which has been moved is appropriate. Mr. Amin said that they are prepared to do justice to other communities. But by moving this resolution the atmosphere of the House is so changed that there is a possibility of unrest. The Government should pay their attention to it.

KHAWAJA GHULAM MOHAMMED SADIQ: Leave these things. You should finish your speech.

LALA RAM LAL VAKIL: He asks me to resume my seat. Perhaps he is afraid lest I should reveal some more facts. Under these circumstances, I consider this resolution unacceptable, and therefore oppose it, and support the amendment.

KHAWAJA GHULAM MOHAMMED SADIQ: Sir, under rule 31 clause (1) of the Rules of Business, I move for closure.

RAO BAHADUR THAKAR KARTAR SINGH JI: It is regrettable that such speeches have been made on this resolution.

KHAWAJA GHULAM MOHAMMED SADIQ: Sir, I have made a motion just now, and I want that the matter be closed now, and the resolution put to vote.

MIAN AHMED YAR: The matter is to be decided by the House.

MR PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Let him finish his speech.

RAO BAHADUR THAKAR KARTAR SINGH JI: I was submitting that an unpleasant atmosphere has been created by this resolution. This is not proper in any case. This House is representative of all Bodies, Its prestige should be held so high that no word should be spoken here which will injure the feelings of others. We have not come here to raise communal barriers, but to think out proposals for the welfare of the country and the common good of the people. Unfortunately there is a likelihood of fanning communal feelings in this House, and there is danger of dissensions. The result will be that we shall lose rather than gain and by creating communal barriers or enmity, events will take such a turn as to stand in the way of our progress

Very hot discussion has ensued on the resolution which my friend has moved. I stand to oppose all the speeches that have been made in connection with this resolution.

It is regrettable that a resolution which smacks of communalism and claims all services for Muslims should have been moved by the Muslim Conference Party who consider themselves the exponents of nationalism On behalf of the Sikh community it may be said that all services should go to them. First of all it must be considered how far any good can be expected from it. Will not unpleasant feelings be roused in the minds of others with this? When on the occasion of the first political disturbance, the Dalal Commission was appointed I appeared first of all as a witness before it. I stated that there was a deficiency of Muslims in services, and

suggested that this deficiency should be made up. I admit that their representation is very low. But by moving such resolutions they cannot gain such rights. Mr Amin pressed the point that Sikhs and Harijans also do not get their rights. He has spoken so, in order to get their support for this resolution. If this resolution, in the form in which it is moved, be accepted the majority community (which nobody denies that they are 70 percent in this State) will be vain glorious while it will be an alarm bell for the other communities. When they say that they are 70 percent others are frightened at the idea that if power comes in their hands what their condition would be. It may be that big fish will swallow small fish. When you convince the other communities that you are their well-wishers, they will, of their own accord, suggest that the majority community should be given greater share in services, because they do justice. But it appeared from the speech of Mr. Amin that he wants that others should be turned out. It is strange that Mr. Amin should say that Sikhs have not got full representation and at the same time suggest that services should be given on population basis. In such circumstances my *Khalsa* brethren will get nothing except 'Kara'. Similar is the case with Harijans. If the Muslims say that they will give others some portion out of their own share, that is a different thing.

MIRZA MOHAMMED AFZAL BEG: We got no share at all.

A VOICE: There is no share fixed for any community.

RAO BAHADUR THAKAR KARTAR SINGH JI: We understand that you get 50 percent share. You have tried to express the wish that the Hon'ble Sikh members and others may vote in your favour. But they also are educated; how can they be deluded by this trick.

KHAWAJA GHULAM MOHAMMED SADIQ: What do they understand from your speech?

RAO BAHADUR THAKAR KARTAR SINGH JI: I admit that the deficiency of Muslims should be made up. But at the same time, I would submit that if, as Mr. Amin has said, services are refused to other communities the result will be that they will be forced to commit suicide or start a terrorist movement, because they have no other alternative. It is unfortunate that I have to say so. It was never my habit to express such things, but I am compelled to do so.

MIRZA MOHAMMED AFZAL BEG: Similar is the case with me.

RAO BAHADUR THAKAR KARTAR SINGH JI: The mover of

this resoultion once asked in a question whether any rent was charged for the Museum buildings, in which the Rajput School is housed. He further asked that if no rent is charged, will the school be removed from there? It is not that being a Hindu I have referred to it, but it is to show his mentality. On the contrary Ganduki-Chawwni was given to the Anjuman Islamia on the condition that it would be exclusively reserved for the school. But we see that it has become a political stage now.

SHIEKH ABDUL HAMID: In the capacity of the Secretary of the Anjuman, I submit that on the area which has been granted for the school no political meeting has been held, till now. A wall has been erected there, and the area which is outside the school premises was already under the possession of the Anjuman.

RAO BAHADUR THAKAR KARTAR SINGH JI: He says that no political meeting is held there. While I was Governor, I made a recommendation for two thousand rupees, and got the wall erected The land was granted on the explicit condition that no activity other than educational would be carried on there. But political meetings are being held there.

LALA SHIV NATH NANDA: Whose weakness is this?

RAO BAHADUR THAKAR KARTAR JI: We also want that a similar freedom be given to us.

I am sorry that such unpleasant events are being narrated. We should not attack one another. It does not befit my Hon'ble friend, who is an able man, to grudge the appointment of a man who is a Bar-at-law, to a respectable post in the High Court.

MIRZA MOHAMMED AFZAL BEG: I did not say about the Rajputs.

RAO BAHADUR THAKAR KARTAR SINGH JI: Whosoever he may be; you are envious of him. This sort of mentality is not good. He is a State subject. He has passed the examination in England. He worked as a Lecturer in a College at Lahore. With all this, if he is appointed as a puisne Judge in the High Court there is nothing extra-ordinary in it. You should also have mentioned the qualifications of the man who is above him. I do not say that the Rajputs should be given preference over others.

When it was said that Ladakh and Gilgit were conquered, the word 'Rihari' was mentioned. I would submit that 'Rihari' is a place where people used to answer the calls of nature. I ask those Afridies and Pathans, who do not belong to the State and who have been brought from

outside, as to what conquests have they made?

COLONEL ABDUR RAHMAN KHAN: There are 'Smadhs' of Hindus and the graves of Afridies and Pathans. He can see them.

RAO BAHADUR THAKAR KARTAR SINGH JI: Yes, 'Smadh' may also be of a 'Sadhu' one who has renounced the world and graves may also be of saints

Sir. I would submit that three questions are under consideration, and two of them are of importance, one the resolution and other the amendment of Mr. Kak The purport of the resolution is that services should be given to the majority community on the basis of population If this is done, there remain only 24 percent posts which may be taken either by Hindus, Mahajans, 'Khatri' or some other section

Next there is the amendment of Mr. Kak It is an admitted fact that nobody can compete with Kashmiri Pandits.

PANDIT JIA LAL KILAM: God bless you.

RAO BAHADUR THAKAR KARTAR SINGH JI: They are advanced in education. They are the most clever and the most able man.

MIRZA MOHAMMED AFZAL BEG: And more in services.

RAO BAHADUR THAKAR KARTAR SINGH JI: Kashmiri Pandits too are our brethren as Rajputs, Muslims and Sikhs etc, are. Therefore if the amendment of Mr Kak is accepted no one can come up to the standard of their merit. Therefore my request is that both the proposals should not be accepted. I hope the Conference Party. who consider themselves as nationalists will withdraw this resolution; and Mr. Kak will also withdraw his amendment

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR (Hon'ble Prime Minister): Sir, The resolution before the House has been so fully discussed from all sides of the House that there is really very little which remains for me to say this afternoon So far as the resolution itself is concerned, the proposal is that the ideal should be that in the services of His Highness in the State, different communities should be represented according to their population and that, till that representation is actually reached, the recruitment of persons from communities, which at present in relation to their population are over-represented, should be stopped, and recruitment should be thrown open to those communities only which are under-represented in relation to their popula-

tion. That being the object of this resolution, I would first ask the House to consider whether in relation to such a matter as representation in the public services population is a proper criterion. I would first point out that if you omit classes of public services like Chaprasis and a number of groups of similar menial servants, all other employees of Government require certain prescribed qualifications, and recruitment can be made only from people who possess the qualifications prescribed; so if you are going really to apply a principle like the one suggested in this resolution, the population with reference to which you should fix the proportion for each community in the public services, should be the qualified population in that particular community. I wonder if the Hon'ble mover of this resolution is prepared to subscribe to this modification.

Now, take the other point of view which was put before the House by my friend Pandit Jia Lal Kilam. He pointed the attention of the House to the other principle that recruitment to the public services should be based really on merit and merit alone; that we should forget all communal differences and should take into the public services only people who are the best from the point of view of merit. Well, there are these two ideals and the House has got to take a decision on these. With regard to the ideal which was stated by Mr. Jia Lal Kilam

(A VOICE : No, it was proposed by Pandit Amar Nath Kak.

HON'BLE PRIME MINISTER : I know that but Mr. Kilam gave expression to it in clearer and more emphatic words. No doubt, taking that ideal, on first principles, I consider it certainly to be the better ideal of the two, but I am afraid that we cannot attain this ideal until we reach a stage when all the communities in the State will look upon each other as brethren; when one community will not think that its cause is jeopardised by a member of another community holding a particular office; in fact until you reach a stage when all differences will have been wiped out among yourselves and my colleagues and myself will not be sitting on these benches to answer to a resolution like the one before us That being so, Government have to take up only what you might consider as an attitude of prosaic statesmanship and, I am afraid, that from that standpoint, we can neither accept the population ideal nor the purely merit ideal.

Well, let us examine the amendment which my Hon'ble friend Pandit Amar Nath Kak has proposed to this resolution. This amendment consists of two parts. I was wondering when I read the two parts together whether the Hon'ble member was not attempting to reduce the resolution to a joke. The two amendments are not alternative. The first amendment is that you should substitute for the words "on population basis" the words "on the basis of merit". Well, supposing you do that, the resolution will read thus "This Praja Sabha recommends to the Council that so long as communal representation in services is not made up on the basis of merit, all services be reserved for the members of that community which is not fully represented". Well I take it that read with the amendment the words "not fully represented" must be understood as "not fully represented in relation to the basis of merit". Well, that being so, look at the second amendment. When to the resolution as amended by the first amendment, you add "provided effective weightage is given to the minorities in all grades of services". What do you mean by minorities in this amendment and who are the minorities referred to there ?

(PANDIT AMAR NATH KAK : Those who are not properly represented so far as merit goes.) The question is if you understand the proposal as amended by Pandit Amar Nath Kak, you can get into the services only on the ground of merit. Where does the weightage then come in ? I am afraid in these two amendments my Hon'ble member has mixed up the population basis with the basis of merit. If he had given notice of these as alternative amendments, I could have understood his position ; but when you read the tow together, I am afraid, it will mean some thing like this : Take for instance, his own community which has been the butt of a great deal of criticism on this resolution which is supposed to be over represented (Pandit Amar Nath Kak : No. It is not. There are 3000. qualified men of this cummunity unprovided for at present.) Well, I am mentioning what other communities feel about it. They feel that the Kashmiri Pandits are over-represented in the services. Well, I daresay, if that be a fact, it could be explained by Mr. Kak's first amendment which would justify that representation on the basis of merit. That being so, would he be entitled to go further and say to the Muslims that the community will deserve also a special weightage ? I put that question to you just to show why I find it impossible to reconcile or accept the two amendments

of Mr. Amar Nath Kak.

Well, going back to the main resolution, as I said a little while ago, considerations of practical, though prosaic, statesmanship require that we should take note of the feelings of the different communities concerned and to try so to order our policy in regard to recruitment to the various services as to satisfy the legitimate aspirations of the different communities. We have got to be prepared for a certain amount of compromise with ideals and the policy that this Government are now following is just the policy that which is in conformity with that compromise. Well, what is the policy that we are following ? It is the policy based upon the commands of His Highness the Maharaja Bahadur on the recommendations of the Glancy Commission and whatever has been said inside this House or may have been said outside, I maintain that this Government, the Ayyangar Wazarat as they are frequently referred to, are carrying out the policy of His Highness as laid down in the orders passed on the recommendations of the Glancy Commission. Well what is that policy ? That policy is contained in the following words : "The object of the above proposals, as already indicated is to afford to every community a fair chance of representation". Please remember that that Commission consisted of people some of whom had certainly had a wide administrative experience. Here is a sentence which shows that administrative experience was brought to bear upon the drafting of this Report. "It is obviously impossible to revolutionise the State machinery all at once, nor is it practicable to lay down any definite proportion or percentage for the representation of each community in the State service". Well, that recommendation was accepted dy His Highness. A great deal has been said for instance as to A having been appointed to this office and B not having been appointed to that office and so on. Well, as I said, I do not propose to discuss the merits of particular appointments. For representation of communities in the public services in the Administration, Government have got to take note of the various contingencies in which they have to make appointments and among those contingencies are promotion, direct recruitment, choosing a candidate after calling for applications by advertising and so on. Well, a great deal bas been said as regards promotions and direct appointment. As regards promotions, I have not been able to find in the Report of the Glancy Commission any sentence which lends colour to the suggestion that you can promote a man at the bottom of a cadre over the heads of a number of senior and

efficient men on the ground that he belongs to a particular community. I do not find any encouragement to that notion in that report. If I am mistaken, I shall be glad to correct myself, well, apart from that fact, if you want to increase the representation of under-represented communities in the public services you ought to try and do it through direct recruitments in other words, I am paraphrasing it, without injuring the just claims of those already in service. In the commands of His Highness passed on the Report of the Glancy Commission, the relevant sentence on this point shows how carefully this matter was kept in view even at that time. The sentence is—"The procedure in regard to *direct* appointments should be regulated in accordance with the suggestions put forward by the Commission". Well the Commission itself put forward no specific recommendations as regards the details of the principles that should govern promotions. They took it for granted that promotions will be made in the way that promotions are expected to be made under all well ordered administrations. His Highness took those principles for granted because the Commission had taken them for granted. The question arises only in regard to direct appointments. The Glancy Commission recommendations are scrupulously given effect to in regard to direct appointments. I believe the Hon'ble mover stated that the Ayyangar Wazarat is not following the practice of the previous ministry. Well, I do not know that there has been any substantial departure in this respect; but if there has been any departure, it is parhaps with reference to this question of promotions. Well, I have explained to you why the present ministry takes this view in regard to these promotions that in promotions they cannot agree to any procedure which causes injury to the just claims of people already in the services. So far as the direct appointments are concerned, every day in the case of every appointment they have to make, the Government carefully examine whether any communities are under-represented in the particular service and if so, they take steps for improving the representation of under-represented communities. There is one point, however, which you might ask, if you agree that there are certain communities which are under-represented, why do not you stop therecruitment of over-represented communities? Why do not you issue an order that for ten years the Government will not entertain any-applications from the communities which are thus over-represented? The answer to that is that you have got to regulate *services*. A great deal of grievance now exists because at the top of

certain services you find over-representation of certain communities. That I think is due to historical among other reasons. If you want to rectify that disparity you cannot ask me to turn out those already in office to make room for others. That can be achieved only gradually. That would destory the credit of the administration; it would destory the credit of any well ordered administration for the matter of that. Unless we recruit representatives of all communities fairly in regard to first appointment at the present stage, and refuse to confine recruitment to the under-represented community only, at the end of ten years, you will find the present under-represented communities over-represented at the top posts and the grievance would have been transferred from one set of shoulders to-day to another set of shoulders ten years hence. If you want to administer services as they ought to be, you have got to take this into consideration, and this is what is being attempted. It is impossible for a Government to stop altogether the recruitment of any community which is over-represented at a particular time. That has been the history of Indianization in British India, where it was visualized by the Islington Commission that 50/50 proportion would be reached after a period of something like 25 years. You cannot realize to the full this fair representation of all communities unless you give time to the administration to do it.

I agree what Government are doing now is not wholly perfect or ideal and that it is a compromise which, I think, no responsible person can overlook and which is necessary for the purpose of instilling into the minds of the different communities a feeling of contentment that after all the Government are looking after the equitable representation of all communities. It is unfortunate from an ideal point of view that people should try to insist on getting members of their own community on particular jobs. That in itself is wrong from the point of view of the best interests of the administration. It is an unfortunate impression to spread that, if you put a Hindu for instance into judicial office, he must do injustice to everybody other than a Hindu or that if you put a Muslim into a judicial office he will do injustice to everybody other than a Muslim. All officers have got to carry out their functions in a fair manner in relation to all communities. There is absolutely no justification for demanding that any particular office should be filled by the member of any particular community. People, however, do have

the notion that, if they have a particular post filled by a member of their own community, their interests would somehow be bettered. So long as we are divided into communities, looking suspiciously on each other and we do not reach the stage which Mr. Kilam seems to have warmly visualized, and Government has to be responsible for making these appointments after taking into consideration all these relevant factors, we shall continue our present policy whatever criticisms are levelled against it.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): I think this resolution is now fully discussed.

MIRZA MOHAMMED AFZAL BEG; Sir, we can wait for some four hours more.

MR. PRESIDENT The Hon'ble Mr. Justice K. L. Kichlu): We cannot wait for four hours. If you want we can wait for fifteen or twenty minutes more.

THE HON'BLE SIR LAL GOPAL MUKERJI KT: Sir, I worked last night upto eleven, and when I go back in the interval to my room, there too I have to dispose of so many files. It is physically impossible for me to stay any more.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Then will the House be adjourned till to morrow?

THE HON'BLE SIR LAL GOPAL MUKERJI KT: I will most respectfully ask that it may be postponed till to-morrow.

MR. PRESIDENT (The Hon'ble Mr Justice K. L Kichlu): All have been given the opportunity to speak. Therefore if this resolution can be disposed of within four or five minutes we can wait.

MIAN AHMED YAR: Sir, the mover has not given his reply yet. According to the rules he is entitled to it.

A VOICE: He cannot do it now.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR: Sir, if your idea is to allow further discussion we had better adjourn till to-morrow, because if the Hon'ble mover has to speak, our people might also like to speak in reply.

PANDIT AMAR NATH KAK: The mover alone can speak now.

MR PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): The House is adjourned. Further discussion will be resumed to-morrow.

NOTE. The House adjourned till to-morrow, the 31st March 1938.

THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)

VOLUME VIII

11TH DAY

(31st March 1938)

NON-OFFICIAL RESOLUTIONS

EIGHTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



JAMMU.

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1938.

Jammu and Kashmir Praja Sabha

President :

THE HON'BLE MR. JUSTICE K. L. KICHLU,
RAI BAHADUR.

Secretary:

PANDIT HIRANAND RAINA, B. SC., LL. B.

Assistant Secretary:

MR. MOHD. NASIR-UD-DIN KHAN, B. A., LL. B.

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JAMMU AND KASHMIR PRAJA SABHA.

March-April, Jammu Session 1938.

Thursday the 31st March 1938/18th Chet 1994.

The Praja Sabha met in the Praja Sabha Chambers at Ajaibghar, Jammu at eleven of the clock.

Mr. President (The Hon'ble Mr. Justice K. L. Kichlu) in the Chair.

QUESTIONS AND ANSWERS.

631. Haji Ahmedullah Shahdad : Is Hon'ble Minister-in-charge aware that in reply to my Q. D. No. 481, asked in the Jammu Session, dated 27th March 1936, it was stated that in Srinagar two parks will be constructed in each Ward? Is it also a fact that it was stated in reply to my Q. D. No. 324, asked in the last session of the Praja Sabha that the question of acquiring land for the parks is under consideration of the Government?

Will Government please state the name of Wards where the parks have been constructed? If no parks have been constructed, then why is this matter being delayed?

Khawaja Ghulam Ahmed Ashai (On behalf of the Hon'ble Hazur Minister) : The reply to the 1st portion of this question is in the affirmative. As to the reply to the last portion of this questoin the scheme of replanning of the whole city of Srinagar by an expert is under the consideration of the Government. Once we have the required plan, we will take up the work of laying out parks and other improvements of the city, as soon as funds are available.

632. Haji Ahmedullah Shahdad : Will Government please state whether the oxen intended for driving oil-mills are exempt from Kahcharai tax?

Khan Bahadur Raja Mohammed Afzal Khan (On behalf of the Hon'ble Revenue Minister) : No.

633. Haji Ahmedullah Shahdad : Will the Hon'ble Minister-in-charge please state :—(*a*) Is it a fact that the tax on shikaras and dongas has now been increased?

(*b*) If reply be in the affirmative, the reasons for increasing the tax on boats may be stated?

Khawaja Ghulam Ahmed Ashai : (*a*) No. Not since 8 years.

(*b*) Does not arise.

634. HAJI AHMEDULLAH SHAHDAD : Are Government prepared keeping in view the reply to Q. D. No. 709 in the last Session of the Praja Sabha to transfer the State Telegraph office to the centre of the city at Zaina Kadal (Maharaj Gunj) in the interest of the people. If reply is in the affirmative, when will the Government make some arrangements for this? If not, why not?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister) : No. There is already a Telegraph office of the Imperial Telegraph Department at Maharaj Gunj and a State Telegraph, if opened there, will not yield sufficient revenue to cover the expenditure involved.

635. HAJI AHMEDULLAH SHAHDAD : Will the Hon'ble Law Minister please state :—(*a*) Whether a shed has been constructed in the Court at Srinagar for protecting the litigants from the sun and rain?

(*b*) If so, is it occupied by the petition-writers and the stamp-vendors?

(*c*) Is it a fact that the shed is not sufficient for accommodating the litigants?

(*d*) Are Government prepared to construct some more sheds? If not why?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Law Minister) : (*a*) Yes.

(*b*) No. It is meant for litigants.

(c) It has not been reported that the shed recently erected by the Public Works Department is insufficient.

(*d*) The matter will be taken into consideration on the receipt of the report from the Sessions Judge Srinagar, which has been called for.

636. Withdrawn.

637. LALA SHIV NATH NANDA : Is it a fact that a deputation of the representatives of Harijans waited on the Hon'ble Prime Minister in September 1937 and presented to him their legitimate demands? If the reply be in the affirmative, will the Hon'ble Prime Minister please state as to what was the nature of these demands and what orders were passed thereon?

RAI BAHADUR PANDIT RAM CHAND KAK (On behalf of the Hon'ble Prime Minister) : A deputation of Harijans waited upon the Prime Minister in December, and not in September, 1937. The action taken by Government on the several requests made by the deputation has been indicated in the answer to Q. D. No. 126 which was read in the House on 16th March 1938.

638. LALA SHIV NATH NANDA : (*a*) Is it a fact that the Juvenile Smoking Regulation was enforced during the reign of His late Highness the Maharaja Pratap Singhji Bahadur?

(*b*) Is it a fact that even inspite of this Regulation the provis-

ions thereof are contravened by the juveniles and in absence of any action the cigarettes smoking habit is on the increase?

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) The Government has no knowledge in this respect. The law is in force and can be put into motion at the instance of the persons mentioned in section 4 of the Regulation *viz* Lambardars, Zaildars, teachers of recognized schools and affiliated colleges, members of a notified area committee, members of a municipal committee etc.

639. LALA SHIV NATH NANDA : (*a*) Is it correct that in reply to Q. D. No. 560, asked in the last Srinagar Session the Government had replied that there is no uniform practice in this behalf in the Government Secretariat but the matter is under the consideration of the Government?

(*b*) If the reply be in the affirmative, will the Government please state as to why different treatment exists in the Government Secretariat especially when all of these are under one Government?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Yes.

(*b*) The matter is being examined.

LALA SHIV NATH NANDA : Sir, when should it be expected?

RAI BAHADUR PANDIT RAM CHAND KAK : As soon as possible.

640. LALA SHIV NATH NANDA : (*a*) Will the Hon'ble Revenue Minister please state for what purposes Pandit Salig Ram Koul, Wasidar Bagh Mandir had acquired Nazool land and what was the nature of the agreement?

(*b*) Has he contravened the said agreement and the application? If so, what is that contravention?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : This is not a matter of public concern and the information asked for cannot be supplied.

641. MOULVI MOHAMMED ABDULLAH : (*a*) Is it a fact that the headquarter of the Revenue Assistant of the Southern Wazarat is Srinagar?

(*b*) Is it a fact that zamindars from distant places like Doru, Verinag, Wanu and Kandimarg have to come to Srinagar to attend their cases?

(*c*) How many cases in appeal are still pending in the office of the Revenue Assistant?

(*d*) Has the above mentioned Revenue Assistant ever gone on tour in the Illaqa referred to in part (*b*).

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(*b*) The cases of distant places like Doru, Verinag, Kandi Shopian, Sonamarg and Pahalgam are heard on spot or at a convenient distance from these places. Sometimes, however, the cases are heard at headquarters when the parties so desire or when their interests so require.

(*c*) Only two.

(*d*) Yes, except Kandimarg of which there was no case with him.

642. MOULVI MOHAMMED ABDULLAH : (*a*) Is it a fact that punitive tax was realized from the inhabitants of Gandarbal?

(*b*) The names of officials appointed for the realization of this tax may be mentioned for the information of the House; and it may also be stated whether Waishna Butt, an official of the Anantnag Wazarat, and Badri Nath, clerk Mohafizkhana were amongst the officials appointed to realize this tax?

(*c*) When and what amount of the punitive tax was realized?

(*d*) Whether regular accounts of such realization are maintained by the Government? Whether all these sums have been deposited in the treasury?

(*e*) Are there any sums which have not been deposited in the treasury?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Yes, from the Postnoonees residing in Vailoo and certain other villages of Tehsil Khas.

(*b*) *1st part.*—Revenue Assistant.

2nd part.—No.

(*c*) The recovery was made at different dates. The total amount recovered comes to Rs. 5,084/13/9.

(*d*) Yes. There is no reason to believe that any portion of the tax collected was not remitted into the Treasury.

(*e*) None of which the Government are aware.

643. MOULVI MOHAMMED ABDULLAH : Is it a fact that the Chowkidar Renal, Tehsil proper, has been dismissed for keeping in his possession money belonging to the Government?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Yes. He has since been reinstated.

MOULVI MOHAMMED ABDULLAH : That is to say he did not misappropriate the money.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : It has been proved on an enquiry.

644. MOULVI MOHAMMED ABDULLAH : (*a*) Is it a fact that Government had published in the Government Gazette a proposed list of the agriculturists and non-agriculturists in order to elicit opinion and call for objections?

(*b*) Did the Press represent the public opinion with regard to this list and how far was it considered?

(*c*) Was the said list confirmed afterwards? If reply be in the affirmative, then it may be stated whether that list was republished in the Gazette? If not, why?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) It is not clear whether the Praja Sabha Sad has asked particulars regarding

positive or negative lists relating to Kashmir. The reply to this part in respect of both these lists is in the affirmative.

(*b*) Yes. As regards negative lists the expressions of public opinion were duly considered. Regarding positive lists, the opinions of the public are receiving due consideration.

(*c*) As regards negative lists, the reply is in the affirmative. The lists were duly republished. Regarding positive lists, the matter is still under consideration and these will, after they are confirmed by the Government, be republished in the Gazette.

645. MOULVI MOHAMMED ABDULLAH : (*a*) Is it a fact that an Executive Officer can purchase or acquire immovable property in his Illaqa?

(*b*) Is it necessary for him to obtain permssion for acquiring such a property?

(*c*) If reply to part (*b*) be in the affirmative, then, it may be stated how Pt. Harji Lal, the former Naib-Tehsildar, city proper, has acquired in village Sadra Bal, Tehsil proper, 45 kanals and 16 marlas of land (*vide* sale-deed executed on 29th Assuj 1992, mutation No. 135) and to guard against an objection has got the land transferred in the name of his wife? Does not this method interfere with the very basic principle of this rule which has been passed to protect the zamindars? What steps do Government propose to take in this connection? If not, why?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(*b*) Yes

(*c*) Pandit Harji Lal did not transfer the land in the name of his wife. His wife directly purchased the land from the vender at a cost of Rs. 1,500.

Government is not aware if the purchase is really by the Pandit or by his wife. An inquiry will be made in the matter.

646. MIAN AHMED YAR : Will the Government please state if they have got any objection to the preparation of liveries of the menial establishment by the local tailors in view of the fact that such tailors will be in a better position to ensure fittings?

KHAWAJA GHULAM AHMED ASHAI : Uniform contracts include tailoring also. Therefore it cannot be separated. This was therefore proved unsatisfactory.

647. MIAN AHMED YAR : Will the Government please state if during the last five years any male or female touring dispensary has ever visited Tehsil Karnah in Muzaffarabad District? If any such dispensary has toured in the Tehsils of Muzaffarabad and Uri in addition to the Tehsil Karnah, the dates of their visits and names of the places visited by them may please be stated?

It may also please be stated if there is any other hilly place with the exception of those situate on the trunk road?

PANDIT RAM NATH SHARMA : The information has been called

from the Medical Department and will be supplied later on.

648. MIAN AHMED YAR : Will the Government please state the amount of free aid granted to the agriculturists in Muzaffarabad District in the shape of remission of land-revenue and the price for manure during the past 5 years? If so, the details of each item together with the names of persons who received this aid may please be stated?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : *1st part.*—No free aid in the shape of land-revenue remissions or price for manure was granted to the agriculturists of Muzaffarabad District during the past five years.

2nd part.—Does not arise.

649. MIAN AHMED YAR : Will the Hon'ble Minister for Police state as to how many reports of cognizable offences were entered in Teetwal Police station (Tehsil Karnah) during the last five years and out of these how many cases were challaned in the courts? What was the number of those which came out successful?

PANDIT RAM NATH SHARMA : 128 cases of cognizable offences were reported in Teetwal Police Station during the last five years. Out of these 64 cases were challaned and 36 cases came out successful.

650. MIAN AHMED YAR : Will the Government please state such cases for the last four years (giving the number of cases of each year separately) in which the accused persons have been awarded punishment and from whom more than two chataks of Kuth is stated to have been recovered. The exact quantity recovered in each case of this nature may kindly be stated?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The answer to this question requires study of a large number of files and the labour involved will serve no useful purpose.

651. PANDIT GOVIND RAM KABU : Whether it is a fact that the Town Area Committee of Baramulla Town has taken steps to provide the streets of the town with electric light?

(2) Whether in some parts of the town the fittings for this purpose have been set up more than three or four months back?

(3) Whether it is a fact that due to certain causes the light has not been provided although considerable sum has already been spent on installations?

(4) What are the reasons for such delay and who are responsible for it?

(5) Will the Government direct both the Electrical Department and the Town Area Committee to expedite the matter?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (1) Yes.

(2) Yes.

(3) Yes,

(4) Delay has been due to some controversy which arose between the Committee and the Electrical Department on the use of poles and lines of the Electrical Department through private contractors.

(5) This has already been done.

PANDIT GOBIND RAM KABU : Who shall stop the controversy which is going on between the committee and the Electric Department?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Government.

PANDIT GOBIND RAM KABU : Will you send for the papers?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : If necessary, we shall do so.

652. PANDIT GOBIND RAM KABU : Will the Government please state :--(*a*) Whether it is a fact that the Baramulla Town Area Committee had decided to metal two lanes of the town, one in Ram Ghat Mohalla and the other in Khanpore?

(*b*) Whether it is a fact that no drains were made and only rough stones were laid in these lanes?

(*c*) Whether it is a fact that this action of the Committee has made the streets more insanitary?

(*d*) How much of money was spent on each of these two lanes?

(*e*) Who were responsible for such waste and will the Government take any action against them?

(*f*) Will the Government ask the Committee to make proper drains in the Ram Ghat street and pave it afresh to remove insanitation for which the Committee is responsible?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Yes

(*b*) The contractor did not execute the work according to the estimates.

(*c*) No. The contractor did defective work which will be removed during this year.

(*d*) Out of privision of Rs. 1,025, Rs. 500 were paid to the contractor on account of Khanpora lane and Rs. 523 with-held for defective work. Nothing has been paid for Ram Ghat lane.

(*e*) The contractor who tried to appropriate entire provision without doing the work properly. They have already been denied payment.

(*f*) This is being done this year.

PANDIT GOBIND RAM KABU : When there was no mention of the lanes in the estimate then why was the contractor held responsible?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : This is a new question. It requires notice.

653. PANDIT GOBIND RAM KABU : Will the Government please state :—(1) When were new members elected for the Town

Area Committee of Baramulla?

(2) Whether any members are to be nominated? If so, have they been nominated? If not, why?

(3) Whether any meeting of the Committee was held after the election of new members? If not, why?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (1) In Bhadon 1994.

(2) (*a*) Yes. (*b*) The members have been nominated now. The reason for delay is that the inhabitants of Khanpora, Khujabagh and Ushkara had represented that since those villages were agricultural villages those should be excluded from the Town Area limits of Baramulla. This case is being enquired into by the Local Revenue Officers and the demand of the villagers has not so far been acceded to and the case has not received its finality and there was no likelihood of those cases being decided by the Government in the near future. The members which were to be nominated could not, therefore, be selected so far as it was not known whether the villages of Khanpora, and Khojabagh etc. were to be excluded or not. Nomination of members has recently been proposed.

(3) No meeting was held for want of nominated members.

PANDIT GOBIND RAM KABU : When no meeting was held for so many months then, how is the work of the committe being conducted. Who is attending to the work of drafting budget and schemes?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Wazir-i-Wazarat.

PANDIT GOBIND RAM KABU : In other words the committee is not functioning.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : It seems so.

654. PANDIT GOBIND RAM KABU : Will the Government please state :—(*a*) Whether Panchayats have been established in some of the villages of Kashmir? If so, where?

(*b*) Have the Hindus been given proper representation in the Panchayats? If so, what is their percentage?

(*c*) Is there any Panchayat in Kashmir to which no Hindu has been elected or nominated? If so, why? What is the number of such Panchayats and what place is their headquarter?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Yes. 75 Panchayats have been established in the Kashmir Province. A list of these Panchayats is attached.

(*b*) Yes. 19 per cent.

(*c*) Yes. The total number of such Panchayats is 31, *vide* list attached. No Hindu has been elected or nominated to these Panchayats because the population of such villages was entirely or almost entirely Mohammedan.

List of Panchayats of Kashmir Province.

1. Ganderbal.
2. Shalamar.
3. Dard Pura.
4. Feroz Pura.
5. Gojra.
6. Miani Bandi.
7. Khella.
8. Nalochi.
9. Nishat.
10. Jhela.
11. Garhi.
12. Shiwai.
13. Ramkot.
14. Ambor.
15. Bandipura.
16. Fatehpur-Urelna.
17. Ushkara.
18. Dilna.
19. Namla.
20. Chinari.
21. Chakothi.
22. Boniyar.
23. Trakanjan.
24. Drugmula.
25. Soibugh.
26. Dharmana.
27. Wadwan.
28. Sanorakalipura.
29. Shogpura.
30. Watrahail.
31. Ichhama.
32. Hamchipura.
33. Sikandarpura.
34. Hardoabura.
35. Ugmana.
36. Kovarhama.
37. Hardoshora.
38. Oshanbangil.
39. Hari Otnu.
40. Hardomadam.
41. Devabug.
42. Singhpura Kalan.
43. Watragam.
44. Handipura,

45. Charaligund.
46. Watlab.
47. Wadipura.
48. Marhetgam.
49. Yaru.
50. Selu.
51. Langete.
52. Hardosheva.
53. Ghatipura.
54. Singhpura.
55. Qazigund.
56. Brenlamar.
57. Vesu.
58. Kharluchadar.
59. Kajor.
60. Kinipura.
61. Wachi.
62. Sindukalisipura.
63. Parigam Chak.
64. Danu.
65. Bogam.
66. Redwani.
67. Katarsu.
68. Kilam Bogzam.
69. Khodwani.
70. Yaripura.
71. Kaimu.
72. Arwani.
73. Damhal Hanjipura.
74. Kadar.
75. Kangan.

List showing the Headquarters of Panchayats in which no Hindu has been elected or nominated.

1. Gojra.
2. Nishat.
3. Shiwai.
4. Trikanjan.
5. Dharmana.
6. Sanorakalipura.
7. Sikandarpura.
8. Hardoabura.
9. Hari Otnu.
10. Hardomadam.
11. Watragam.

12. Handhipura.
13. Watlab.
14. Selu.
15. Yaru.
16. Hardosheva.
17. Ghatipura.
18. Branlamar.
19. Kanapura.
20. Kajar.
21. Arwani.
22. Kharloon Chaddar.
23. Kimoh.
24. Yaripura.
25. Khodwani.
26. Redwani.
27. Jhela.
28. Namli.
29. Buniyar.
30. Kadar.
31. Kangan.

655. PANDIT GOBIND RAM KABU : Will the Government please state :—

(*a*) Whether it is a fact that the Government had promised in various sessions of the Praja Sabha that the pay of the teachers will be revised?

(*b*) Is it a fact that so far no step has been taken towards this matter?

(*c*) Will the Government fix a proper scale for teachers in Government employment? If so when? If not, why not?

PANDIT RAM NATH SHARMA : No promise was made but it was stated that the question was under consideration as part of the general revision of salaries in Government Departments which is still under consideration.

656. MR. WAJID ALI SHAH : Is it a fact that Karchu Ali Mardan was accepted as a candidate for Girdawarship for the seven or eight years back and in spite of his acting on this post for a number of times, a non-local person has been appointed as Girdawar Shagger? Will the Government please state if the rights and claims of the present Girdawar are superior in respect of seniority and experience to that of Kachu Ali Mardan Khan?

(*b*) Will the Government please also state what post was held by the present Girdawar before his appointment as such? Will the Government please appoint deserving persons like Kachu Ali Mardan Khan as permanent Girdawars?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Necessary

information is being collected and will be supplied later on.

657. CHOUDHARI ABDUL KARIM : Will Government please state what is the number of those decrees in the Jammu Province which were passed before or after the S. year 1978 and are time-barred?

(*b*) What is the numbers of such decrees in the Courts of Sub-Judge and Munsiff Mirpur and how many of them have been declared as time-barred?

PANDIT RAM NATH SHARMA : (*a*) and (*b*) It is not possible to collect this information.

658. CHOUDHARI ABDUL KARIM : Will Government please state :—(*a*) How many mortgage-deeds have been executed in favour of non-agriculturists in the Mirpur District after the Land Alienation Regulation came into force?

(*b*) Will the Government, out of justice, give a due consideration to the case of those zamindars whose lands have been mortgaged for the last fifty or sixty years with non-agriculturists who have derived benefit many times more than the principal borrowed? Can the mortgage-deeds in such circumstances be considered as cancelled and the lands of the zamindars redeemed in their favour?

PANDIT RAM NATH SHARMA : (*a*) 74 deeds have been executed in the Mirpur District in favour of non-agriculturists after the Land Alienation Regulation came into force.

(*b*) The procedure laid down in the Alienation Regulation can be followed. No relief outside the scope of the provisions of the law can be granted.

659. CHOUDHARI ABDUL KARIM : Will Government please state whether in regard to the Nazool property in the District of Mirpur, no official record exists, beyond a Patwari's has made note of Nazool sites in his note-book. Is it a fact that these entries are not attested by any responsible officer and as such what reliance can be placed on such entries?

(*b*) Have the inhabitants of Mirpur repeatedly submitted to the officers concerned for excluding their lands from Nazool control and what action was taken on such submissions?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) Authentic official record attested by responsible officers of Government does exist.

(*b*) Some applications were received and some of these have been already decided after proper enquiries. Others are still under investigation. such claims as have been proved. have been accepted.

660. CHOUDHARI ABDUL KARIM : (*a*) Are Government aware that arrangements for publicity with regard to the State service advertisements are already insufficient and the effect of it is much felt by Muslims?

(*b*) Is it a fact that now by reason of compilation of a new list

of newspapers the villagers will now obtain less information in this respect? What steps do the Government contemplate to take to remedy this?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) and (*b*) The Government have no reason to believe that the existing arrangements for publicity are in any way inadequate.

661. CHOUDHARI ABDUL KARIM : Are Government aware that they out of benevolence, spent a handsome amount of Rs. 10,000 for digging a well in the village Akalgarh, Tehsil Mirpur, but the actual position on spot is that a well only 30 feet deep has been dug and the operations stopped? Is it intended to do anything further in this connection?

PANDIT RAM NATH SHARMA : The pit of the well was dug to a depth of 55 feet, the curb put in and the masonry ring completed upto the top. An inner cylinder was also sunk to a depth of an other 16 feet. Then the well collapsed and the debris had to be cleared and the sinking of the cylinder done over again wh'ch has been done to a depth of about 60 feet. The work has not been abandoned but it will be completed.

662. MR. JAGAT RAM ARYAN : Will Government please state whether it 's a fact that Hindu Sikh Naujawan Sabha, a representative body of the Hindus of the State has passed in its annual conference a resolution to the effect that the Harijans of the State may be granted elected seats. If it is so what action the Government have taken thereon.

RAI BAHADUR PANDIT RAM CHAND KAK : Government are not aware of any such resolution passed by this or any other Hindu organisation in the State.

663. MR. JAGAT RAM ARYAN : Will the Government please state :—(a) Whether it is a fact that Mr. Ghulam Ahmad Ashai Publicity Secretary once served in the Education Department?

(*b*) Is it also a fact that he was dismissed therefrom? If it is so, will Government please state on what charges was he dismissed?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Yes.

(*b*) No. His services were dispensed with.

MR. JAGAT RAM ARYAN : On what grounds was he dismissed?

RAI BAHADUR PANDIT RAM CHAND KAK : It is a new question.

664. MR. JAGAT RAM ARYAN : Will Government please state whether any dismissed person can be taken in service in the State, if reply to above be in the negative, will the Government please state as to how Mr. Ghulam Ahmad Ashai was taken in Government service and was given a post superior to that he held before, when he was once dismissed from the Government service?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) No, unless the dismissal order is first set aside.

(*b*) Mr. Ashai was not dismissed but his services were dispensed with the idea that he would be entitled to such pension or gratuity as would have been admissible to him had he been retired on proportionate pension. He was subsequently re-employed in State service on a post for which he was considered to possess good qualifications. There is no prohibition against such re-employment.

665. MR. JAGAT RAM ARYAN : Will the Government please state the number of the candidates belonging to different communities such as Rajputs, Kashmiri-pandits, Sikhs, Khatries, Brahmans, Mahajans and Harijans etc who have been appointed as signallers during the last six years in the Telegraph Department?

PANDIT RAM NATH SHARMA : 17 candidates of different communities as below were appointed as signallers in the Telegraphs Department during the last 6 years :—

Muslims	...	8
Brahmans	...	2
Sikhs	...	2
Rajputs	...	1
Kashmiri Pandits	...	3
Khatri	...	1
Total	...	17

666. MR. JAGAT RAM ARYAN : Will the Government please state on what rates was the Sapphire belonging to the Government sold during the last six years? Were tenders called through advertisement, and was the Sapphire sold to the persons who offered the highest tender or not? If it was not done so will Government make enquiry into the matter as to why it was not so done?

RAI BAHADUR PANDIT RAM CHAND KAK : The Government stock consisting of dressed and graded Sapphire Material weighing 525 tolas and unassorted material wieghing 395 tolas was sold for Rs. 22 and Rs. 12 per tola respectively at the highest prices available after getting offers both in India and foreign markets. The jewellers were requested to come to Jammu for the purchase of Sapphire stock by advertisement and no one responded.

MR. JAGAT RAM ARYAN : How was it presumed that the price was reasonable?

RAI BAHADUR PANDIT RAM CHAND KAK : It was the highest offer that was received.

MR. JAGAT RAM ARYAN : Was the notice of the tender advertised in the papers?

RAI BAHADUR PANDIT RAM CHAND KAK : Yes, it is clear from the reply.

MR. JAGAT RAM ARYAN : In which papers was it advertised?

RAI BAHADUR PANDIT RAM CHAND KAK : It is a new question, for which notice is required.

667. PANDIT RAM CHAND DOBEY : (*a*) Will the Government please state against which of the officers and officials complaints of receiving illegal gratification were received from the public during the enquiry of the Anti-corruption Commission and what action has been taken by the concerned departments against such Government servants?

(*b*) The number of other cases of embezzlement and corruption for the last two years may also please be stated.

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Government regret that it is neither fair to the individual officers concerned nor in the public interest to supply the information asked for.

(*b*) Information is not available.

PANDIT RAM CHAND DOBEY : Which information is not available?

RAI BAHADUR PANDIT RAM CHAND KAK : Information about the number of cases.

PANDIT RAM CHAND DOBEY : How did you conclude that the information is against the public interest?

RAI BAHADUR PANDIT RAM CHAND KAK : It is for the Government to judge that.

668. PANDIT RAM CHAND DOBEY : Do the Government know that the Executive Officers generally suspend Zaildars, Lambardars, Girdawars and Patwaris in exercise of their executive powers without fixing any time limit and their cases are kept pending for indefinite period? Will the Government please stop this unjust practice in future and issue instructions that officers whilst making Departmental enquiry should propose a punishment of fine instead of suspension?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : *1st part.*—Yes. Such employees are kept under suspension till the departmental enquiry is completed and final orders are passed by a competent authority.

2nd part.—It does not appear to be sound principle to impose fines pending completion of enquiry. The punishment is awarded when a definite charge is established against an official. Praja Sabha Sad is referred to Articles 107 and 108 Kashmir Service Regulations which provide that a Government official may for the

period of his suspension be allowed an allowance equal to his salary or be considered as on leave without pay according to the merits of each case.

No case in which a departmental inquiry has been unduly prolonged has been brought to the notice of the Government. If any facts and figures are produced instructions to expedite will be certainly issued.

PANDIT RAM CHAND DOBEY : Does it not effect the exchequer?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : How does it effect?

PANDIT RAM CHAND DOBEY : By giving the pays.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The Government is prepared to bear the burden of pays if it is in the public interest to do so.

SARDAR HARI SINGH : When a Lambardar is suspended some person is appointed to work in his place. But I want to know what the officiating person gains when 'Panjotra' is to go to Zaildar?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Zaildar does not get 'Panjotra' but he gets salary separately.

SARDAR HARI SINGH : When such a person officiates in his place but the 'Panjotra, goes to the Zaildar, then, what does such a person gain thereby?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : If after instituting an inquiry it is proved that the Lambardar is innocent in that case, he is entitled to half of the 'Panjotra'. 'Panjotra' is given in lieu of service when Lambardar does not render any service on account of his suspension he can lay no claim to 'Panjotra'.

SARDAR HARI SINGH : Will any limit be prescribed with respect to the duration of the period of suspension?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : This depends upon the circumstances. Just possible it may be decided within two months or it may take one year.

669. PANDIT RAM CHAND DOBEY : Will the Government please remove immediately the restriction to pass the cattle on the canal banks as also allow tonga, cart and lorry-traffic for the purposes of agriculture?

PANDIT RAM NATH SHARMA : No. It is prejudicial to the proper up-keep of the canal banks.

PANDIT RAM CHAND DOBEY : How can it be prejudicial?

PANDIT RAM NATH SHARMA : There is the apprehension of the breakage of its banks.

670. PANDIT RAM CHAND DOBEY : Will the Government please state why Lorry No. 2234 of Nanda Bus Service which travelled from Srinagar *via* Rawalpindi and arrived at Suchetgarh Customs Post after 4 P. M. was stopped for more than one hour

without any reason? Details of the articles in the lorry on which customs duty was levied may please be furnished. What action was taken on the complaint against the official on duty which was lodged with the Inspector Customs by Risaldar major Sadhusingh, State Councillor and myself who travelled in this lorry? What action was taken against the official who caused so much trouble to the passengers in such a cold weather by detaining the lorry and who had also threatened a passenger to sue him in a Court of Law?

PANDIT RAM NATH SHARMA : The matter is under enquiry and the report of the Deputy Inspector concerned is awaited.

671. PANDIT RAM CHAND DOBEY : Will the Government please state whether according to the judgment of the High Court in a Civil Appeal No. 5 of 14th Magh 1993 relating to Tarara, Tehsil Kathua, necessary entries as regards proprietorship have been made in the Revenue papers and the practice of "Ghalla Batai" (Grain) has since been discontinued?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : No copy of the Judgment was forwarded by the Hon'ble High Court for "Amaldaramad" ; nor did the parties concerned produce any. They have however, now been directed by the Wazir Wazarat, Kathua, to produce a copy and as soon as it is presented necessary action will be taken.

PANDIT RAM CHAND DOBEY : Are not the officers on spot bound to take action on the English copies produced before them?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Why not?

PANDIT RAM CHAND DOBEY : Were the English copies produced before the officers on spot?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : No enquiry has been instituted into this matter.

PANDIT RAM CHAND DOBEY : Are the copies given by the High Court in English or in Urdu?

PANDIT RAM NATH SHARMA : As desired by the applicant.

PANDIT RAM CHAND DOBEY : Are the copies of the judgments of the High Court which are written in English supplied in Urdu. Are they translated in Urdu?

PANDIT RAM NATH SHARMA : Yes, they are supplied in Urdu.

672. LALA HANS RAJ : Will Government extend all possible help and grant special concession in the matter of unemployment to the sons of those land-owners of Nowshera town whose lands which were granted to them in recognition of their services to the Rulers have been acquired?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Necessary information as to the facts of the case is awaited from the subordinate Revenue Officers and will be supplied later on.

673. LALA HANS RAJ : Will the Government open at an

SRI PRATAP COLLEGE LIBRARY
SRINAGAR

early date two dispensaries one at Jammu and one at Srinagar at Government expense for distribution of indigenous medicines to the Unani and Ayurvedic dispensaries in the State.

PANDIT RAM NATH SHARMA : The exact purport of the question is not very clear. Presumably the establishment of a Pharmacy has been demanded. If so the Government is obviously unable to undertake the establishment of a State managed Pharmacy.

LALA HANS RAJ : I have expressed by intention. The House can well judge whether my intention is clear from the question or not?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : If you have any supplemantry question then ask it.

LALA HANS RAJ : My question is quite clear. It is that two dispensaries be opened one in Jammu and the other in Srinagar so that indigenous medicines may be used there.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The question has been replied.

PANDIT RAM NATH SHARMA : Ayurvedic dispensaries have been opened. If you ask for a Pharmacy the Government is not prepared to agree to it.

674. LALA HANS RAJ : (*a*) Are Government aware that with the change of the course of the river Chenab in Tehsil Akhnoor the Kuhls (canals) and Nullahs irrigating the lands of villages Parwal, Belanamana, Phagwari, Pindi, Rajpura, Dabawra, Phagwal, Chak Sagwal, Gora Manhasan, Sajwal, Sardal Gura, Chak Phaggari, Chak Sagwal, Palwal Bhari have been altogether washed away and thus the lands of the above villages have become uncultivable?

(*b*) Was the revenue assessed on lands according to the rates of the areas yielding double crops which are irrigated by canals? If so, has any remission been made in the land-revenue of the areas?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) *1st part.*—Yes.

2nd part.—No area has become uncultivable though in some villages the condition of the soil has changed to inferior class.

(b) *1st part.*—Yes.

2nd part.—Necessary action regarding remission (Mujrai) is being taken in accordance with the rules governing such matters.

LALA HANS RAJ : My question is when Hon'ble the Home, the Prime and the Finance Ministers have seen these areas with their own eyes how can they say that they have no knowledge of their being washed away?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : This is your old stale tale.

LALA HANS RAJ : I am also an old man and you too are old

enough.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : I am your disciple.

LALA HANS RAJ : I ask you whether this state of affairs is to continue till the doomsday?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : So long as the world exists these things are to go on.

675. MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Reply to this question has not yet been received. It will be given afterwards.

676. LALA HANS RAJ : Will the Government please state why the liquor shop at Akhnoor town has not been removed outside the town when it was promised several years back that it will be done?

PANDIT RAM NATH SHARMA : Orders have been passed to remove the liquor shop at Akhnoor outside the town and as soon as the plot of land required for constructing the shop is made available, it will be shifted from the Akhnoor town.

LALA HANS RAJ : More than four years ago that the Assembly was constituted and so many questions have been asked about this matter. Thakur Sahib has also inspected the site of this liquor shop. The same reply is being repeated now that orders have been issued to remove the liquor to some other place outside the town but in fact the shop is still there.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The reply is that orders have been issued.

LALA HANS RAJ : Every time the same reply is repeated that arrangements have been made. I know, Sir, that Ishwar Dass contractor manages to avoid the compliance of the orders by spending five or ten rupees.....

SHEIKH ABDUL HAMID : There should not be any speech on this matter. Reply has already been given. Lala Sahib deserves congratulations for this.

LALA HANS RAJ : I want only to draw the attention of the Government to this matter. Is Hon'ble the Finance Minister aware of the fact that people have sent telegrams in this connection.

SHEIKH ABDUL HAMID : But Thakur Sahib has never been to the wine-house.

LALA SHIV NATH NANDA : He manages to have it at his house.

677. WAZIR GANGA RAM : Will Government please state how the recent changes of Ministers and Secretaries have effected the State exchequer and what good is expected in the administration on account of such changes?

RAI BAHADUR PANDIT RAM CHAND KAK : The recent changes

in the Secretariats have resulted in a saving of Rs. 40,000 per annum under salaries after providing for the salary of the Revenue Commissioner, besides a saving of Rs. 2,100 under T. A.

Apart from the financial benefit Government expect that there will be an all round increase in the efficiency of the administration.

678. WAZIR GANGA RAM : Will Government be pleased to state those laws the modification whereof rendered it necessary to deprive the people of the State of the services of an honest and able judge like Pt. Thakur Dass? Which officers were previously appointed on this duty and what amount of expenditure has so far been incurred in this direction?

Are Government prepared to state that such appointments are justified having regard to the expense incurred thereon?

PANDIT RAM NATH SHARMA : All the laws of the State needed thorough revision and considerable amplification. It was thought necessay, therefore to appoint a special officer for revision and codification of the laws of the State. The appointment has been made for a period of six months only.

The amount involved in the appointment of this officer and his establishment for six months comes to Rs. 5,778 which is not much as compared with the work with which he is entrusted.

The Government wanted a highly experienced Judicial Officer for this work and that is why Pt. Thakur Dass was selected. He is still serving the State. When laws are codified and amended properly greater service will have been done by Pt. Thakur Dass than he could otherwise render as a Judge.

WAZIR GANGA RAM : No reply has been given to the part beginning with the words "which officers are previously appointed on this duty and what amount of expendtture has so far been incurred in this direction"?

PANDIT RAM NATH SHARMA : The reply to this question will be very lengthy. As no time limit has been specified hence the Government have to gather the figure of the last five hundred years.

679. WAZIR GANGA RAM : (*a*) Is it a fact that Glancy Commission Report has urged that special representation in Government service should be given to the backward communities?

(*b*) (*i*) If the reply be in the affirmative, will Government be pleased to state what action has been taken by the Government in this behalf?

(*ii*) Why proportion of Muslim representation has only been fixed?

(*c*) Are there no backward classes in Hindu community? If so why are these being ignored at the time of representation?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) The Glancy Commission recommended that efforts should be made to secure adequate representation of all communities in Government service.

(*b*) (i) The Government have been and are doing all they can, to give effect to the recommendations of the Glancy Commission.

(*ii*) No specific proportions have been fixed in the matter of recruitment to Government service.

(*c*) The claims of backward communities among Hindus are also kept in view in regard to recruitment to Government services.

MOULVI MOHAMMED ABDULLA : Is there any sectional question involved in the matter of recruitment in Government service so far as Muslims are concerned?

RAI BAHADUR PANDIT RAM CHAND KAK : No.

PANDIT JIA LAL KILAM : Why not? Shias submitted so many applications requesting thereby to grant them Government services on sectional basis.

NOTE :—No reply was given.

680. WAZIR GANGA RAM : Is it a fact that Mr. Sharp has stated in his report that the district of Reasi is the most backward of all the districts of the State?

If the reply be in the affirmative, it may please be stated what steps have so far been taken by the Government to accelerate the progress of education in the rural and hilly tracts where the population is so many times greater than that of the towns and where education is quite insignificant?

What steps are Government prepared to take in this direction in future?

PANDIT RAM NATH SHARMA : Reply to the first part of the question is in the affirmative,. When Mr. Sharp visited this State in 1972, the number of schools in the Reasi District was 17 (15 primary schools) . Now the number of schools is 58 (53 primary schools and 5 middle schools). The last portion of the question does not arise.

681. SHEIKH MOHAMMED AMIN : Is it a fact that the new Chief Engineer, Electric and Mech. Department has proposed to fix the rate of water tax Rs. 24 instead of Rs. 4 annually.

If reply to above be in the affirmative, will Government in view of the object poverty and economical depression very kindly allow the public an opportunity to thank the Government by rejecting this injudicious proposal ; as there prevails great unrest and agitation in the public, the higher rate of tax being unbearable by them?

PANDIT RAM NATH SHARMA : No.

The question does not arise.

682. SHEIKH MOHAMMED AMIN : In view of the fact that there is no recreation ground or any road for walk in the Jammu city, on account of which general health and city-life of the public is adversely affected, will Government fulfil this need of the public

by constructing a road from Pacci Dhaki to Residency on the bank of the river Tawi?

PANDIT RAM NATH SHARMA : Survey is being made for such a road.

683. SHEIKH MOHAMMED AMIN : Is it a fact that the local labourers wired to the Hon'ble Prime Minister and the Director of Industries to the effect that non-State-subject firms which employ foreign labour should not be registered ; rather names of such firms be expunged from the list of the registered firms?

If reply to above be in the affirmative, will Government please state as to what has been done by them in this behalf? If nothing has been done so far reasons therefor may be stated?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Yes.

(*b*) The matter is under the consideration of the Government.

684. SHEIKH MOHAMMED AMIN : (*a*) Are Government aware of the fact that the labourers in the State are not paid adequate remuneration for their work?

(*b*) If the reply be in the affirmative, then, is the Government prepared to frame such rules and regulations so that labourers may get their wages in proportion to their work?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) Government are unable to give a categorical 'yes' or 'no' as an answer to this question.

(*b*) Does not arise.

685. SHEIKH MOHAMMED AMIN : (*a*) Is it a fact that some contractors employ foreign labour on certain works and thus encroach upon the rights of the State labour?

(*b*) If the reply to the above be in the affirmative, then, will Government issue such orders by which the contractors may be strictly forbidden to employ foreign labour?

RAI BAHADUR PANDIT RAM CHAND KAK : (*a*) The question is too general to admit of a definite answer.

(*b*) Does not arise.

686. CHOUDHARI ABDULLAH KHAN : Will Government please state how much area has been washed away by Nullahs Basantar and Devak in Tehsil Samba during the last fifteen years and the amount of loss in land-revenue that Government have had to suffer on account of these floods? What is the extent of loss suffered by the proprietors of these lands, and will Government please mention the names of such proprietors of land who have lost more than 22 Ghumaons and have not been compensated in the least? Will Government please grant lands to such persons at some other place free of cost as was done by the Punjab Government in District Hoshiarpur? If not, why?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : *I.* A total area of 11,832 kanals with land-revenue amounting to

Rs. 3,337 as detailed below has been washed away by the action of Basantar and Devak Nullahs in Tehsil Samba during the last 15 years :—

Nullah.		Area.	Land Revenue.
		Kanals.	Rs.
Basantar	...	4,264	1,144
Devak	...	7,568	2,193
Total	...	11,832	3,337

II. A list (in Vernacular) showing the names etc. of the persons who have lost more than 22 Ghamaons is attached.

III. A reduction in land-revenue proportionate to the loss sustained by these persons has been granted. Owing to there being no area available no land can be given to these persons in exchange of the areas washed away by the action of the Nullahs.

The list of the propreitors whose more than 22 acres of land was washed away by the torrents.

Serial No	Name of the village	Name of the Proprietor.	Area of the land washed away	
			Knals.	Mrls.
1	Kamal Kalan .	Nazir Husnain son of Kasuir Shah and Lal Hussain son of Jowar Shah Syed ..	1,270	4
2	Khanpore ..	Temple Shiri Gadhaderji in Utterwani ..	873	13
3	Bajawanti ..	Jamundru, Nazir Bahadur, Aidu sons of Dewan equally one share; one share; Munshi, Phula, Lal Din, Shab Din and Siraj Din sons of Huriya equally five shares in three shares; Dharmu. Girdhari, sons of Bhopa equally one share; Jantu, Panjabu and Rumaloo sons of Lachman equally one share; Hakim Dad, Mian Singh, one share in half share; Gndroo and Kashmiri Sons of Deva equally half share in one and a half share; Sinyaru son of Phula half; Indru and Sanduru sons of Durbeala equally half share in ½ share Mohammed Sharif son of Foula one share ...	472	9
4	Chak Partal ..	Chelu and Sardar sons of Ghulab equally one share, Gama son of Hasna one share; Jangir son of Sonu one share ..	239	12
	,, ..	Roda son of Kala one share, Pula son of Haku one share, salariya ..	213	15
	,, ..	Mohammed Shafi minor, (Serbarah his mother) son of Ghulam Nabi one share; Godru, Thaka and Munshi sons of Chodda equally three shares.	214	0
	,, ..	Sargah and Wedawa sons of Wali Dad equally one third, Moulu son of Amir one third; Nasira and Ramzan sons of Lal Din equally one third in one share; Mohammed Din, Shah Mohammed, Taj Din and Charagh Din sons of Hakim equally one share; Pula from the first wife, Musmat Bega half share, Shukroo and Hayat from Musmat Miran second wife equally half share in one share, sons of Roshan; Fazal son of Gama one share ..	264	8
5	Chak of Dewan Bhim Sain ..	Lakmi Chand son of Feroz Chand Brahman resident of Jammu ..	309	0
6	Ratanpore ..	Anwar Shah, Ajmal Shah and Jamal Shah sons of Yousoof Shah equally one third; Abdul Rahman and Fazal Din sons of Musmat Salamat Bibi equally two thirds, Afghans of Jammu ...	392	0
7	Chaki Kalan ..	Kishen Singh adopted son of Roop Singh Katri of Jammu ..	192	0
8	Chak Dayala ..	Musmat Masan wife of Lachman Das tailor resident of Jammu ..	624	0

CHOUDHARI ABDULLAH KHAN : The Government have stated that no areas are available. If any area is pointed out or if there be any "Khalsa area" will it be granted?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : This matter can be considered but the difficulty is that it is not the people of that Illaqa only whose lands have been washed away. In Mirpur Sidhir thousands of acres of land have been washed away by the torrents. If Government grants land in one place then it shall have to grant for other places as well. Government have to fix some principle with regard to such matters.

CHOUDHARI ABDULLAH KHAN : If an area is available, will it be granted?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : If any area is pointed out in the neighbourhood, the matter will be taken into consideration but it cannot be said with certainly whether it will be granted or not.

MIAN QURBAN AHMED : Will it be stated that steps have been taken to save these areas from being washed away.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Every possible attempt is being made. Practical steps are being taken into this direction wherever possible.

687. CHOUDHARI ABDULLAH KHAN : Will Government please state whether they have appointed any Alluvial or Diluvial Committee? If reply be in the affirmative, then light may be thrown on the following facts :—

(*a*) What was the date and the year of appointment of this Comittee?

(*b*) How many meetings of this Committee have so far been held and at what places? What facts were taken into consideration?

(*c*) What places were visited by the Committee and what statements and relevant material was collected by it?

(*d*) When is this Committee expected to finish its work and place its recommendations before the Government?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : (*a*) None. If the Praja Sabha Sad means the Erosion Committee, then the answer is that the Governor, Jammu who is Chairman of this Committee is proceeding with the matter and details required can be supplied on receipt of a report from him.

(*b*) Other points do not arise.

LALA HANS RAJ : Was no meeting held during the last six months?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : No meeting is going to be held. The matter is receiving consideration.

688. CHOUDHARI ABDULLAH KHAN : Will Government

please state the number of Muslim and non-Muslim employees in the Central Co-operative Banks? What are the pays honourariums drawn by the Muslim and non-Muslim employees?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : The statement containing requisite information is placed on the table of the Praja Sabha Sad.

Statement showing representation on communal basis in Central Co-operative Banks, Jammu and Kashmir.

Name of Bank.	*No. of Muslim employees.*				*No. of Non-Muslim employees.*				Remarks.
	Ministerial.	Menials.	Monthly rate of pay.	Total No.	Ministerial.	Menials.	Monthly rate of pay.	Total No.	
			Rs. a. p.				Rs. a. p.		
Central Bank Anantnag ..	1	3	81 0 0	4	1	..	39 0 0	1	One Muslim Honorary Secretary Honorarium Rs. 225 Personal Allowance.
.. .. Baramulla ..	2	2	125 0 0	4	2	..	79 0 0	2	One Non-Muslim Honorary Secretary Honorarium Rs. 150 Personal Allowance
.. .. Muzaffarabad ..	..	..	....	..	1	1	75 0 0	2	Two Honorary workers, one Muslim (Honorarium Rs. 100 Personal Allowance), one Non-Muslim (Honorarium Rs. 50).
.. .. Srinagar ..	1	2	52 0 0	3	4	1	243 0 0	5	Three Muslim Committee members and two non-Muslim Committee members draw Rs. 3 per sitting and one non-Muslim Honorary Secretary draws Rs. 200 Personal Allowance as Honorarium.
.. .. Jammu ..	1	1	53 0 0	2	2	1	215 0 0	3	Honorariam is not paid every year.
.. .. Udhampur ..	..	..	....	..	2	1	67 0 0	3	Honorarium not fixed.
.. .. Kishtwar ..	..	1	12 0 0	1	1	..	22 8 0	1	Honorarium not paid upto now.
							(*a*) 3 0 0		(*a*) Allowance.
.. .. Bhadarwah ..	1	1	52 0 0	2	..	..	....	..	Honorary Secretary Muslim, Honorarium paid to him for the last 6 years Rs. 200, Rs. 225, Rs. 226, Rs. 225, Rs. 100 and Rs. 45 respectively. Rs. 193-3-0 were distributed among members of the Bank and Directors.

689. CHOUDHARI ABDULLAH KHAN : Is it a fact that there is no such provision in the Co-operative Societies Regulation which permits award of honourarium to the Secretary? If so, why then the Secretary Central Co-operative Bank, Jammu is being allowed an honourarium for the last few years? Besides, is it also true that one of the share-holder petitioned in accordance with the rules to the Registrar against the award of the honourarium but so far nothing has been done; on the contrary Rs. 300 have been given to him this year?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : Section 35 of the Co-operative Societies Regulation authorises payment of a bonus to a member, Secretary or clerk for work done by him as such and the amount is sanctioned by the general meeting.

(*b*) Does not arise. No petition was received by the Central Bank.

690. CHOUDHARI ABDULLAH KHAN : Is it a fact that Government held out promise to the Bakarwals in 1983 that some tracts of forests area will be given to them as Chak? If the reply be in the affirmative, what action have the Government taken so far? If not, why?

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : *1st part.*—No.

2nd part.—Does not arise.

691. MALIK GHULAM HUSSAIN : (*a*) Is it a fact that there is no middle schools in Illaqa Devasar which covers vast area in Tehsil Kulgam although the number of students is almost one thousand?

(*b*) Is it a fact that the students of Devasar Illaqa do not join the Kulgam middle school because the Waisho Nullah which is a dangerous Nullah, stands in their way and thus they are deprived of the benefit of education?

(*c*) If reply to part (*b*) be in the affirmative, then, will Government very kindly open a middle school in this Illaqa and thereby remove this general inconvenience of the public.

PANDIT RAM NATH SHARMA : (*a*) There are already two middle schools in Kulgam and Shopian. The Department is not aware of the fact that there are about 1,000 students in Illaqa Devasar.

(*b*) and (*c*) No application has been received so far for raising the status of any primary school to that of middle school in this Illaqa, and if one is received the question will be placed before the Education Standing Committee.

692. MALIK GHULAM HUSSAIN : (*a*) Is it a fact that the employees of the vaccination department cannot finish the vaccination work completely within summer for which they are in Kashmir?

(b) Is it also a fact that for want of vaccination the small pox disease makes its appearance in the winter?

(*c*) If reply be in the affirmative, then, will Government in order to remove this general inconvenience of the public, make arrangements for vaccination in the local hospitals for all times?

PANDIT RAM NATH : (*a*) and (*b*) As there is no compulsory vaccination regulation applicable to Muffasil areas, there is often complaint that people do not come forward.

(*c*) The present arrangement of doing vaccination from village to village is rather more to the convenience of the public.

693. MALIK GHULAM HUSSAIN : (*a*) Is it a fact that Nallah Vaisho which runs between Devasar and Kulgam, is a dangerous and an impassable stream?

(*b*) Is it also a fact that in the absence of a bridge on this Nallah many lives are lost while crossing it?

(*c*) If reply be in the affirmative, then, will Government kindly arrange for the construction of a permanent bridge at Chabba Guand in Tehsil Kulgam and thus do away with this general inconvenience of the public.

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) Yes.

(*c*) The matter of construction of a bridge is under correspondence.

MR. KABU : Sir, yesterday one of my questions was half replied and I was told that I will be furnished with a complete reply next day. Will that complete reply be given to me to-day.

MR. PRESIDENT (The Hon'ble Mr. Justce K. L. Kichlu) : Your question was not included in to-day's list. You please remain satisfied for to-day with the reply you have been given.

Now the mover shall reply the debate which is continued on yesterday's resolution.

MIAN AHMED YAR : Sir,.....

PANDIT AMAR NATH KAK : Sir, this gentleman is not the mover. The resolution stands in the name of Kh. Ali Mohammed who alone has got the right to speak.

MIAN AHMED YAR : Sir, I want to submit that I am entitled to speak on the resolution under rule 72. In rule 72 it is written. "In whose name the same resolution stands".

According to the proviso to Rule No. 72 of the Rules of business any other member can speak in whose name the same resolution stands. I had also given the notice of the same resolution.

PANDIT AMAR NATH KAK : He can do so for the purpose of moving the resolution and not for reply to it. This is not the question of moving the resolution ; rather the resolution has been moved by Kh. Ali Mohammed and he has got the right of reply.

MIAN AHMED YAR : I have also given notice of the same resolution and have put down my signature on it.

PANDIT AMAR NATH KAK : Your resolution could not succeed

in the ballot. It does not matter whether you put down your signature on it or not? The person who has moved the resolution has got the right of reply, under 28, and no body else.

MR. M. A. BEG : Under Rule 72 the mover can authorise any other member.

PANDIT AMAR NATH KAK : It is for the purpose of moving the resolution and not for the purpose of replying it. Under Rule 28 clause 3 he can do so.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : If a member can allow another person to move the resolution on his behalf he can certainly permit any other member to speak by way of reply.

PANDIT JIA LAL KILAM : My submission with regard to this point is that if your honour has given the ruling then of course I would not speak anything.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : However I would like to hear you.

PANDIT JIA LAL KILAM : I would like to submit, Sir, that if any member has moved a motion formerly he can only speak again by way of replying the debate. In this case Kh. Ali Mohammed has himself moved the resolution and he was member in-charge of the resolution, therefore he has got a right of reply. The right cannot be exercised by some other person especially when he has not moved the resolution. He would of course do so if the member in-charge of the resolution is not present, but when he is present there is prohibition for any other member to do so.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Was the member who wants now to reply present on the day when the resolution was moved?

MIAN AHMED YAR : No Sir.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : That fact has to be taken into consideration because he was not present on the day the resolution was moved.

PANDIT AMAR NATH KAK : He cannot do so as a matter of procedure. He can speak on the debate in his personal capacity.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER (Prime Minister) : Sir, may I say a word or two. I want to make my position clear. I am not, at all, against Mian Ahmed Yar's speaking on the resolution. I would confine myself only to the point of order that has been raised. If we look at Rule 72 of the Rules of Business, we will find that a member in whose name a resolution stands can ordinarily move it. But there is a proviso which gives him the right, with the permission of the President, of authorizing any other member in whose name the same resolution stands also in the list of business to move it on his behalf. Thus it appears that the member in whose name the

resolution stands can authorise any other member to move the resolution standing in the name of the particular member. If two members have given notice of substantially the same resolution, he can, with the leave of the President, ask other member who has given notice of the same resolution to move it. Again if we look at Rule 20 the member who has got the right of moving the resolution, has got the right of replying it himself. There is no proviso attached to Rule 28. On the mere point of order I submit that the position is perfectly clear that Mian Ahmed Yar cannot enjoy the right of reply. I have no objection whatsoever if the debate is desired to be continued and Mian Ahmed Yar and half a dozen other members may enjoy the liberty of speaking on this motion. That is a perfectly different thing. If he speaks only by way of reply, I can say that he has no authority to do so.

MR. M. A. BEG : Ruling may be given.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : My Ruling is as follows :—

"A point of order has been raised that Mian Ahmed Yar cannot reply to the debate on behalf of Kh. Ali Mohammed. It has been urged that priviso to Rule 72 of the Rules of Business permits a member to authorise another member to move a resolution but does not provide that a member other than the mover can reply to the debate on his behalf. Ordinarily a member in whose name a resolution stands can move the resolution himself or can authorise another member, who had given notice of the same resolution, to move it on his behalf. In the present case the resolution was moved by Kh. Ali Mohammed who now wants Mian Ahmed Yar to reply to the debate on his behalf. It may be noted that Mian Ahmed Yar also had given notice of this resolution along with Kh. Ali Mohammed. It has been pointed out that Mian Ahmed Yar was not present in the House on the day the resolution was moved. He now wishes to take part in the debate.

Having regard to the peculiar circumstances of the case, I would permit Mian Ahmed Yar to take part in the debate.

PANDIT JIA LAL KILAM : My humble submission is that this resolution has been debated for the last two days and there is useful work yet to be done, the debate may be closed, and the resolution put to vote.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : But the debate has not been replied to yet.

MR. M. A. BEG : Immediately after the President has given a Ruling permitting a member to speak, to raise such question is a challenge to the Ruling.

PANDIT LOK NATH SHARMA : The question of making a speech is a different thing, it would then mean the continuation of the debate.

MIAN AHMED YAR : I am speaking on behalf of the mover.

PANDIT LOK NATH SHARMA : Any other member can also speak?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Nobody else can speak on the resolution except Mian Ahmed Yar.

MR. AMAR NATH KOHLI : Has Mian Ahmed Yar been allowed to speak by way of reply?

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : That point has been made perfectly clear.

MIAN AHMED YAR : Sir, the resolution under discussion has been criticised by so many members. It has been dealt with from different aspects. The speeches of the hon'ble members who have spoken against the motion are based on some misunderstanding. They were overwhelming by sentiments and misapprehensions. According to certain members, as it appears from their speeches, the intention of the mover by moving this resolution is that the non-Muslims be denied all means of livelihood. But this motion is not based on facts. The object of the resolution is that the rights which have been granted to the majority and minority communities of other countries be granted to such communities in the State in the same way. The present constitution and the mentality of the House are such that the Government can impose its will with all certainty. The small number of thirteen cannot stand against the remaining large number of this House. The grievances and the hardships of 28 lacs of people are brought to the notice of this House in writing and from here these are conveyed to the Government. It should be the duty of the Government to redress any grievence as soon as it is brought to its notice, and it should also be laid before His Highness. But to indulge in personal attacks or to give communal colouring under the said influence of sentments, to a genuine demand which asks for rights in no way greater than the rights given to the majority communities of other countries, is never desirable. Such speeches affect adversely the prestige of this House and also brings forth the displeasure of our beloved Ruler.

The hon'ble members who have spoken against the motion think that perhaps this resolution is meant to encroach upon their legitimate rights. Our demand is limited in scope. We ask for only such rights as have been granted to the majority communities of other countries. We expected that if any amendment will be moved on this resolution it would be based on the principle on which the rights have been granted to the majority and minority communities of other countries. But it was not done so. The amendment that has been moved is not of a compromising nature

The amendment is to the effect that a small community on the one hand should be given a very large share in the services and

on the other hand a reasonable weightage should also be granted to them. The amendment ought to have been based on some principle. On the one hand there is a demand for full share in the services and on the other a demand for reasonable weightage. We regret to find that these members are absolutely ignoring the fact that the majority community of the State being under represented in the services should be granted adequate facilities in this direction. If the minority community can lay claim upon the fact that it should be fully represented in the services then is not the majority community justified in putting forth this demand? It is really painful to find the minority fighting with the majority on this point.

An opportunity should be afforded to the backward communties. It behoves the community which has monopolized the services to be more liberal-minded and leave some scope for others as well so that pleasant atmosphere may prevail in the country and we may all live with mutual concord. The communally tempered speeches on this resolution have created some unpleasantness. Even if references were made to some particular cases still it would have been better for the House had it displayed a spirit of toleration. But I am sorry to say that it was not so. The most important point which the Hon'ble Prime Minister stated in the House was that he admitted that, in fact, the Glancy Commission Recommendations are practicable and that attempts are being made to make up the deficiency in the representation. He has also admitted that the majority community is under represented in the services. He admitted all this but at the same time said that the interests of the other communities are also to be kept in view. A judge while administering justice to the parties is not influenced by the fact that his decision would please or displease any party. It is true that many a time Government try to win the goodwill of certain sections of people in order to run their administration. But even under such circumstances it should not depart from the set principles of administration.

The Hon'ble Prime Minister has raised a very important question, which is that Glancy Commission did not recommend that while making promotions in services seniority should be ignored inorder to make up the deficiency of communal representation. In a way we are being challenged to prove that the report contains such recommendations the object of which is, in fact, to make up the under-representation at the cost of seniority. I want to throw some light on this point. On page 23 of Glancy Report you will find that under the heading "direct appointment" it is made clear that the meaning of promotion is to appoint a person holding some lower place on some higher one. The meaning of direct appointment is that some non-departmental man or a man of the same department although he may be most junior may be appointed to

the higher post. We cannot overlook all these facts. It has been definitely recommedded that unless the deficiency in communal representation is made up Government should not adhere to the principle of promotion. We do not want that the juniormost men should be appointed on higher post or when some non-departmental man is needed he should not be taken. The previous ministries while making appointments always kept in view the communal representation in every grade of services and that was the correct interpretation of this paragraph. If in pursuance of this object the Government had fixed the principle that 75 per cent. persons should be taken from outside and 25 per cent. persons from the same department in that case two-third portion would have gone to Muslims and one-third to the non-Muslims and thus there would have been some hope of the deficiency being made up within some reasonable time. This would have assured that attempts are being made to give adequate representation to every community. Our resolution is unlimited in scope. We have only put forward a principle so that the members of the different communities may be in a position to suggest necessary amendment. We are feeling that the present Government is not at all concerned with the under-representation of certain communities in certain departments. At the time when we gave notice of this resolution we were told that Government have issued certain orders that in future only educated persons should be recruited as peons. This is against the Glancy Commission Recommendations. It is necessary that the Hon'ble Prime Minister should state on behalf of the Government whether he has issued any such orders so that we may know his intention. Will the Hon'ble Prime Minister also state whether he has adopted any formula with regard to the making up the under representation of the backward communities so that all the communities may be satisfied? He has confessed certain facts. At the same time he tries to please all the communities which is a difficult job. One who tries to please everybody pleases nobody. If he really wishes that all the communities should be satisfied then he has resources enough to achieve this end. As for example there are certain departments the expenditure whereof can be much reduced. Now factories can be established and this can redress the grievance of unemployment. We also want that Government should draft such a formula which may help to remove the unemployment. We are not to deprive people of their legitimate rights. It is very necessary to put forth a reasonable demand asking for the amelioration of the condition of the backward communities. In order to perpetuate nationalism it is quite essential that every nerve be strained in every possible way to keep in tact the different sections of the same nation and its useful units. We stand for the welfare of the capitalist and the poor Harijan alike. This is the object of this resolution. Just as

our brethren have gained a big share in the services and thus developed their culture similarly we also desire that the backward communities may be in a position to do likewise. Now I shall say something about the education. Despite the fact that many ot these persons who are holding high position this time were very little educated still they were appointed Tehsildars and Wazir-i-Wazarats and the persons of other communities who were also low educated like them were ignored. There were persons available in our community with equal capabilities. Among them were poets and historians. They could discharge the duties of Settlement Officers still the Government of the day overlooked all that.

Gone are those days now. Era of advancement has dawned. People are feeling their backwardness. They wish that their under representation be made good. Sir, it was very regrettable that question of representation in graveyards be raised in the House. As it was only a fun hence it is needless for me to say anything about it. We have no complaint against it. Greater the population larger the death rate. We do not like to invite you for death. We wish your health. We wish prosperity to the country. We never wish that you should die of starvation as is the case with us. May we all remain safe and sound. If our illitracy is responsible for our going to jails we never want that you should also go to jail. May God bless you.

PANDIT JIA LAL KILAM : Sir, is he delivering a speech or offering a prayer in a place of worship.

MIAN AHMED YAR : My friend seems to be innocent of the fact that Almighty is the source of all power. If our friends have turned atheist then it is a different matter. In that case they have to bid good-bye to this realm of God. He should learn that Great Britain, France and other big countries all work their constitutions in the name of the Almighty. There is one more thing which is worth mentioning. It has been said from the side of our respectable Rajput community that it is they who have conquered this country. It was not a foreign land. We were all brothers. The question of conquest arises in case some foreign country is conquered. It would have been better had they said that in order to create order they have unified the country with the aid of other brethren. We incur the displeasure of our beloved Ruler by indulging in sentimental speeches. The leader of the State Councillors Group has urged a reasonable point. He said that we are all brothers. But so long as this idea is not put into practice we are not satisfied. We want that all communities should be fully represented. It is essential for the Government to open resources for the unemployed so that nobody may complain about Government services. When we will be granted responsible Government and responsibility will be shifted to our shoulders, we

shall manage everything by ourselves. But so long as that goal is not reached it is the duty of the present Government to see that no community has any occasion for any complaint.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Now should the resolution or the amendment be taken first. If you want that votes be taken first on the resolution I will do so.

VOICES : Yes ! First take the resolution, Sir.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The members who are in favour of the resolution may please raise their hands.

NOTE.—Hands were raised.

Those who are opposed to it may raise their hands.

NOTE —Hands were raised.

The resolution is defeated by majority of votes.

Now there is no necessity of taking votes on the amendment.

PANDIT AMAR NATH KAK : Yes, Sir, now there is no necessity of it.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Now resolution on to-day's list will be taken up. Mr. Jagat Ram Aryan shall move his resolution which is as follows :—

"This Praja Sabha recommends to the Council that the construction of a bridge over Nallah Ujh on the Kathua-Jammu road be taken up at an early date".

MR. JAGAT RAM ARYAN : Sir, I have been compelled to bring forth this resolution because of the fact that the people have to undergo unspeakable hardships for want of a bridge on Nallah Ujh. On one side there is Nallah Ujh on the Jammu-Kathua road and on the other side there is River Ravi on the Kathua-Pathankote road. Even if there be little rain on the mountains it becomes impossible for the Kathua people either to go to Jammu or to Pathankote. The same difficulty faces the people who have to go to Kathua. Therefore you can better imagine, Sir, how can a person who has to go to Kathua or to come from there on some official business do so, when the roads are closed, on all sides on account of floods. Many questions have been asked with regard to this matter during the last four years but so far no orders have been passed by the Government in this direction. I hope that keeping in view the difficultues of the people the House will unanimously support my resolution.

LALA HANS RAJ : I support this resolution whole heartedly.

MIAN QURBAN AHMED : Sir, this resolution of Mr. Jagat Ram Aryan has an important bearing on my district. I have also been trying to move this resolution since the last three years but I am sorry to say that my resolution could not succeed in the ballot. Messrs Mehta and Wajahat Hussain both held out promises to us that they would visit the spot and see if they could do anything in

this behalf. But they never fulfilled the promises. They visited the spot but did not do anything. Our present Home Minister also made a similar promise. I requested him to visit the spot but he also failed to fulfil the promise.

Kathua is at a distance of 55 miles from Jammu. On its east lies Pathankote. Half of the Illaqa lying between Kathua and Pathankote forms British territory and the remaining half is within the State. At a distance of two miles from Kathua on Pathankote side lies the river Ravi and on the other side of it there is Nallah Ujh. It becomes impossible to cross these for days together on account of being flooded by rains. The travellers have to undergo extreme trouble in crossing these rivers because lorry traffic ceases during the rainy season. A certain kind of dangerous snake called "Sareer" in Punjabi which is found in the beds of these rivers during the rainy season bites the people and causes loss of lives. The people have to undergo extreme trouble during the rainy days. Therefore I support this resolution and hope it will be passed.

PANDIT RAM CHANDRA DOBEY : Sir, I want to describe here only one incident which happened with the Forest Enquiry Committee during the last December. The Committee wanted to go to Kathua for an enquiry but as those were rainy days, it was thought proper to go there during the month of December. When the Committee went there, accidently the river got flooded and consequently Chief Conservator of Forests who is an aged gentleman had to travel on foot and reached his bunglow in the evening after undergoing great trouble. But the other members of the Committee were compelled to pass the whole night by the side of the Nallah. From this the House can better imagine the hardship with which the people are confronted during the rainy season.

I want also to make it clear that all other districts of the Province of Jammu are connected with the Headquarters, but in District Kathua on account of these two rivers many a time the Government officials are obstructed in the performance of their duties. There is no denying the fact that there is a river in the way between Jhelum and Mirpur and no bridge has been constructed there. But it is so because that part of the country is not within the State. But on the other hand a bridge has been constructed on the Chenab River in Akhnoor so that people may be able to cross the river easily. The Headquarters of the Kathua District where the people of two Tehsils have to come and go is situated on one corner. In every sessions questions are asked as to how many men and cattle were destroyed by the river but the Government has taken no step in this direction. This year Government has given an assurance. It has been stated that expenditure of sixty thousand of rupees has been estimated for the construction of the bridge and as there is no money available in this year's budget,

therefore provision shall be made in the next year's budget. We want this much assurance from the Government that it should make provision in the next year's budget for this most important work and that it should accept this resolution.

SARDAR KANHAYA SINGH : Sir, in supporting this resolution I want to submit that my friends of Jammu have always been complaining that whenever there is any proposal of adorning heaven-like-Kashmir they always support it but whenever there is any proposal regarding Jammu where there is extreme necessity of bridges, roads and drinking water, the question of provincialism is always raised notwithstanding the fact that we are all subjects of the same ruler.

Sir, I have had a chance of travelling through this Illaqa. I have noticed that there is no bridge on the road between Jammu and Kathua. Big Nallahs flow in the way. The people of that place have to undergo great hardships while coming and going. Similarly the Chief Conservator of Forests despite his old age had to put off his clothes and cross the Nallah Ujh in the month of December when he went to Kathua to make enquiry in connection with the Forest Enquiry Commission. He was shivering with cold at that time. We saw that the women were crossing the river all naked with the men. If in such sad state of affairs there is a demand for the construction of a bridge on Nallah Ujh we all must unanimously support it. Therefore I hope that the hon'ble members from Kashmir would also support Mr. Jagat Ram Aryan's resolution. With these words I support this resolution. I have every hope that the Government will remove the trouble of the Jammu people by constructing this bridge.

SARDAR DHIAN SINGH : Sir, I want to support this resolution in two words. Two Hon'ble Ministers made promises but all to no purpose. They left the State without fulfilling their promises. But I have every hope that the assurance given by the present Home Minister will be fulfilled.

LALA RAM LAL : Sir, I gave notice of an amendment, with regard to this resolution but that amendment has not been presented before the House.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Perhaps the amendment you wanted to move was time barred.

LALA RAM LAL : I gave notice of my amendment on 28th March at 3 P. M.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Well, now you please speak on the resolution and see the office record as regards your amendment.

LALA RAM LAL : Sir, whenever the attention of the Government is drawn towards the construction of any bridge or road the reply given is either that the matter shall receive consideration or

that financial difficulties stand in the way. Similarly it is stated that arrangements will be made to construct road between Gatallion and Jatlan, but Government has done nothing in this behalf. When this year a question was asked about this matter the reply given was quite different from the question. The Government should construct a bridge on the Nallah Ujh in accordance with its promise as early as possible.

I sent my amendments to the office on 28th March. There were two more days 29th and 30th left between the due date. By my amendment I wanted to make some addition in this resolution.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Did not you want by your amendment that bridges be constructed on all the Nallahs of the State. All right, you say what you have to say.

LALA RAM LAL : Sir, through my amendment I wanted to submit something with respect to two matters. Firstly that in accordance with this resolution a bridge be constructed on Nallah Ujh in Kathua District and secondly the trouble of the people be removed by constructing a bridge on Nallah Neel on the Kotli road in the District of Mirpur. I am sorry that my amendment was not allowed to come before the House for consideration. With these words I support the resolution of Mr. Jagat Ram Aryan.

SARDAR HARI SINGH : Sir, I want to submit only one thing, that is, that in winter there is very little water in the rivers and Nallahs but in rainy season they get so much flooded that it becomes impossible to cross them even by boats. Many a time marriage parties have to wait on the river side for hours together although they have to reach the bride's place at the appointed time. Therefore it is necessary to construct a bridge over there. Government business is also much delayed on account of there being no bridge on the Nallah. With these words I support this resolution.

SHEIKH ABDUL HAMID : Sir, I am afraid lest anybody should say that nobody from the State Councillors Group has spoken on this resolution, therefore I have felt the necessity of submitting a few words about it. Pt. Ram Chandra Dobey has stated the hardship of the people for want of a bridge on the Nallah Ujh in clear words. It is an admitted fact that Nallah Ujh becomes uncrossable in rainy season and many a time there is a great loss of human life on account of heavy floods. As human life is a precious thing, therefore to protect it and also to better the conditions of the people and to improve the trade of the Illaqa, it is very necessary to construct a bridge on this Nallah. I support the resolution on account of these reasons. It has been demanded by Mr. Dobey that money should be provided in the next year's budget for this purpose but I am of opinion that the Government

should construct a splendid pacca bridge on the Nallah as soon as money is available in the hands of the Government.

My friends should know that the Channel of Nallah Ujh becomes even wider than that of river Tawi in rainy season. While constructing a bridge Government have to find out, firstly, how wide the Channel of a river grows during the time of floods and secondly to what height the water rises in the rainy season so that the real purpose of constructing a bridge be achieved. What I mean to say, is, that there should be a complete redress of the grievances of the people. I think thousands of rupees are needed for the construction of a permanent bridge. No useful purpose will be served by constructing a temporary bridge. The bridge created by joining boats together can be of little use. If it is contemplated to construct a temporary bridge over there, then, in my opinion it will be much better to spend that money on some other work of public utility.

LALA SHIV NATH NANDA : You have lent a very good support.

SHEIKH ABDUL HAMID : This is a matter of personal opinion. There are many more such matters which are needed to be brought to the notice of this House. There are many more places where the people are undergoing much more trouble than is felt by the people for want of a bridge on Nallah Ujh. The people of Mirpur and Poonch are also undergoing great trouble for want of bridges on the rivers and Nallas flowing in that part of the State. The people going to Mirpur suffer unspeakable hardships when river Jhelum is in flood. I have personal knowledge of the fact that the water of river Jhelum is distributed in many parts during the rainy season and one intending to cross the river has to cross all those parts. This becomes a source of extreme trouble to the children, aged persons and the women.

On one side the blazing sun renders the atmosphere as hot as fire, and, on the other side, the scorching sand burns the feet of the travellers. The people have to travel under such sad circumstances. Therefore I submit, Sir, that bridges be constructed on all such Nallahs where they have not so far been constructed.

SHEIKH MOHAMMED AMIN : Point of order, Sir. The resolution that has been moved is about Kathua and not about Mirpur.

SHEIKH ABDUL HAMID : I have stated it just by way of an example. I mean thereby that it is not only Kathua but many other places where this need is being felt.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Anyhow, you please confine your speech within the scope of the resolution.

SHEIKH ABDUL HAMID : Very well, Sir. I was submitting that the bridge at Ramban was also constructed long long ago and

now it is in a tottering condition. There is always the apprehension of its collapsing any moment. God forbid, if it ever gives way the traffic between Jammu and Kashmir will stop. I want to submit that there are so many other places where there is great necessity of bridges. Therefore I submit that the Government should also consider the question of construction of bridges on those places along with it. I also want that bridge should be constructed over Nallah Ujh. With these words I support this resolution.

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN KT. (Home Minister) : Sir, I had a mind to reply to this resolution as soon as it was moved, so that the time of this House would not have been wasted in any discussion over it. The construction of this bridge is demanded from all quarters, and it is stated that the want of this bridge is likely to cause loss of life, property and cattle. We are therefore prepared to construct it.

I am sorry to say that I have not seen the site myself because, owing to some circumstances I could not go there.

LALA SHIV NATH NANDA : Because motor cars cannot go there.

VOICES : No, motor cars can go there.

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN KT. (Home Minister) : So far as I know the place where the bridge is intended to be constructed has some peculiarity about it. There is no definite Channel of the river, and the site selected for the bridge shall extend over the whole width. It shall be of fifteen spans and shall cost about one lac and fifty thousand rupees. However, in view of the necessity felt by the public and to remove the inconvenience caused to them, the Government shall construct it. The House should rest assured and have no anxiety in this behalf. The matter is not only under consideration, but it is at an even more advanced stage. The hon'ble member may withdraw the resolution. We are ready to take up this work.

MR. JAGAT RAM ARYAN : Will funds be provided in this year's budget?

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN KT. (Home Minister) : I am not prepared to promise that; what I say is that the bridge will surely be constructed.

MR. JAGAT RAM ARYAN : When shall it be done?

THE HON'BLE SAHIBZADA SIR ABDUS SAMAD KHAN KT. (Home Minister) : Very soon. You may please withdraw your resolution.

MR. JAGAT RAM ARYAN : Votes may be taken on my resolution.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Those who are in favour of Mr. Jagat Ram Aryan's resolution may please raise their hands.

NOTE.—Hands were raised.

Those who are against it may please raise their hands.

NOTE.— Hands were raised.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : The resolution has been carried out unanimously.

Now the resolution No. 2 of Pt. Ram Chand Dobey will be taken up. The resolution is as follows :—

"The Praja Sabha recommends to the Council that a Commission consisting of officials and non-officials members be immediately appointed to examine in various Tehsils the hardships due to excessive land-revenue charges and to make proper suggestions to the House".

PANDIT RAM CHAND DOBEY : Sir, this resolution has been discussed in the House many a time before this. I shall submit in brief something about my Tehsil. The Tehsils of Jasmergarh and Kathua are included in my district and the condition of the soil is such that in Kandi Illaqas there grows only one crop in three years if, fortunately, that is also not ruined. In to be sandy, or a slope then it becomes difficult to reap even one crop out of it. The areas by the sides of the Ravi river have more water in them than needed. Such areas are called 'Ander' areas. Those of you who have seen this Illaqa which probably touches the British territory on the Pathankote side must be knowing that no place is left out of water for the people even to cook their food during the three months of the rainy season every year. So much water oozes out that hardly one crop of Paddy grows in a year. It is always said about this crop that very little land-revenue has been assessed on it. But it is not a fact. This Paddy is sold in British India. There is no demand for it in the State. I will submit how the people of this Illaqa feed their cattle during the rainy reason.

PANDIT LOK NATH SHARMA : Does your resolution pertain to the whole State?

PANDIT RAM CHANDRA DOBEY : This resolution is regarding the high rate of revenue. I am speaking of the hardships of the people of my Illaqa. Other members will relate the hardships of their Illaqas. In reality this resolution pertains to the whole State.

I was stating how the cattle are fed. Charpaies are bound with the trees with ropes and the fodder is put on them. The cattle remain standing in the water day and night and continuously during the three months of the rainy season the cattle are fed in this way. There is left no dry place for the people even to cook their food. Such is the miserable condition of the people of this Illaqa and as a result of it the number of the original inhabitants of this Illaqa is lessening day by day. If you see the genealogy of the residents of that place you will hardly find any person who

is the real inhabitant of that place. On the other hand, outsiders have come and settled in the Illaqa. Those outsiders cultivate the soil and reap the crops. The real inhabitants of the Illaqa are fast disappearing. Many kinds of diseases are working havoc on them. The condition of this Illaqa is very painful and to boot there is the hardship of excessive land-revenue which it is impossible for the people to bear. The hardship due to high rate of revenue has now reached such a stage that last year in reply to a short notice question Government stated that one Lambardar committed suicide. He strangled himself to death. It was so because the poor fellow could not collect the land-revenue. The number of such sad happenings is growing day by day. Very recently one more Lambardar has committed suicide and it was also due to his inability to pay the excessive rate of land-revenue. All these matters deserve sympathetic consideration of the Government. At present it is not only the burden of land-revenue which is oppressing the poor zamindars, but to add to it there has been imposed one more tax known as "Sanitation Tax". They are also forced to bear the further burden of "Malkana" and "Sarkana". At present zamindars are heavily under debt. If the lists of the debts of the zamindars be prepared it shall come to light that zamindars are now more deaply in debt than they were previously. Keeping in view this sad state of affairs I had presented a resolution about land-revenue but it could not be considered. We should see what Government is doing in this behalf in British India where such conditions prevail. There they have adopted the sliding scale system. The experts of water logging have been appointed on this work. But on the other hand there is no such arrangement in our State. The zamindars cannot afford to pay the land-revenue. They are so hardly pressed that they resort to suicides. I do not want to dwell at length on this subject because it is self-evident. If your Government makes a thorough enquiry into this matter then it is quite possible to end this sad state of affairs.

The method of assessment which is in force in British India is published in the Tribune, dated 28th March 1928. If you read it you will find that this method is very beneficial. In view of the above submission I request the Government to appoint a Commission to inquire into the hardships caused by the high rate of land-revenue and make suggestions for making reduction in it.

KHAWAJA AKBAR DAR : I support the resolution.

LALA HANS RAJ : Sir, last year Hon'ble Prime Minister and other Hon'ble Ministers paid a visit to Mirpur and there they inquired from zamindars about their grievances but to top all is the grievance of high rate of land-revenue which is pressing them very hardly. They stated that they were leading a life of misery and

humiliations. For them the land-revenue is an unbearable burden. They also stated that their Illaqa touched the boundaries of British India and while one rupee was being charged as land-revenue for a certain piece of land of a certain kind in British India three rupees are being charged for the same piece of land of the same kind in our State. The Hon'ble Prime Minister heard all their grievances and promised to consider them. I support the resolution moved by my friend Pt. Ram Chand Dobey and request the Government to give it a favourable consideration. The people are very much aggrieved on account of this high rate of land-revenue. Money is being squeezed out of the public like blood out of body. Though squeezing blood is rather a ill-sounding word still I would say that blood is being squeezed out of the people. The Government exacts money from the public and spends it on the maintenance of its paraphernalia and show. It is difficult to describe the real miseries of the people even by speaking in most painful words. The persons who go to Muffasil villages state that the villagers spend too much on the occasions of marriage and death which is a proof of their prosperity. But I submit that these people have no money of their own. They incur debts to meet these expenses. I emphasize on the fact that the high rate of land-revenue is affecting the people adversely. The method of the collection of land-revenue is also very defective. It is only yesterday that the Hon'ble Prime Minister has ordered that an inquiry be made in the Illaqas where 'Kharabha' has taken place. One Naib-Tehsildar who is a graduate and a very good natured man was deputed to hold the inquiry. He has completed the inquiry and submitted a very good report. There is no denying the fact that the land-revenue is so excessive when compared with the produce on which it is assessed that the zamindars are put to extreme trouble in the payment thereof. They have to sell all their articles to pay it off. Being unable to pay off the revenue they commit suicides. Suicides have been committed on so many places and it has been proved by investigation that these were due to their inability to pay off the land-revenue. People have sold even their daughters. They adopt ugly means in their attempts to pay off the land-revenue. Being a servant of the people I will submit before the Government that people are very much troubled and all their debts are due to the high rate of land-revenue charged from them. Troubled as they are they lose their mental equilibrium and commit suicides. Therefore I shall request to the all concerned to appeal unanimously to the Government to make some reduction in the land-revenue. It is our duty to state before the Government the miserable lot of the people. Just possible it may be stated on the side of the Government that so long as settlement is not undertaken reduction can not be made in the land-revenue.

Some time ago we were greatly troubled by the Settlement and the Dogra Community raised a voice against it and at last the settlement was done away with at our request. But now we again hear that it will be revived. I submit, Sir, that there may be a settlement with a view to make reduction in the land-revenue but I never wish it to be such a settlement as may make us all the more miserable. The resolution which has been moved in the House is an important one and therefore I support it.

SHEIKH MOHAMMED AMIN : Sir, the resolution moved by Pandit Ram Chand Dobey is very important. The wording of the resolution is such that the Government ought not to oppose it, in any case. Had the mover proposed some fixed reduction in the rates the Government would have been justified in criticizing it, but the resolution, as it stands at present, demands the appointment of a Commission which may enquire into the excessive rate of land-revenue and submit its report. Sir, there is not much difference between the conditions prevailing in the State and those in the Punjab ; but the principle of the assessment of land-revenue which is followed in the State is quite different from that followed in the Punjab. For this reason, it is necessary that a Commission should be appointed which may acquaint itself with the conditions and place a scheme before the Government. Sir, when the land was assessed to revenue in the Punjab, twenty-five per cent. of the produce was fixed as land-revenue, but at that time the crops were sold at very high rates. Afterwards when the prices of crops went down, the zamindars in India and those in the Punjab raised a hue and cry with the result that in 1928 the Government reduced the rates of land-revenue by one half. At present the rate of land-revenue in the Punjab is $12\frac{1}{2}$ per cent. of the produce, while in the State it is 25 per cent. Even now the Punjab zamindars are heard saying that the land-revenue is very high but as against the Punjab the land-revenue in the State is 25 per cent. of the produce. At the same time, many facilities have been provided to the Punjab zamindars while here the zamindars are experiencing great difficulties. In the Punjab there are many canals and other means for irrigation purposes, while there is not even one tenth of these things in the State. There are only two canals in the State and most of the lands here are *arak* lands. If you go to Illaqa Mirpur and the Kandi Illaqa, you will find that the condition of lands there is extremely bad. If there is dearth of rain the crops dry up and if there is excess of rain the crops are ruined. Besides there are many grain-markets and other facilities provided in the Punjab, but there is no such thing in the State. Moreover there are many restrictions imposed on the export and import of agricultural produce which are intolerable for the zamindars and are hitting them hard My esteemed friend has placed many facts before you which go to

prove that the zamindars are committing suicide. For instance a person owns 25 bighas of land in Bhimber (Tehsil) and 25 bighas in the Punjab and the boundaries of both of these lands meet. But he pays Rs. 25 as land-revenue in the Punjab while he pays Rs. 51 in the State. This will show that there is a great difference in the rate of land revenue.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : What is the name of that zamindar?

SHEIKH MOHAMMED AMIN : I will let you know his name afterwards. This cannot be denied that the present administration will continue to function only if it improves the condition of the zamindars ; but if their condition remains as it is, in that case the situation will undergo a radical change. The Sahukars complain everything is being done for the zamindars, but I want to ask them whether the Government have made any reduction in land-revenue. The grain markets are so dull that their produce does not fetch even so much price as may be sufficient for paying the land-revenue and their condition is going from bad to worse. Sir, the Rakh system in the State is proving to be a nuisance. The land in Rakh Bahu and Rakh Makval was given to the zamindars for cultivation at the rate of Rs. 4 per Ghumaun, but now land-revenue is being realised from them at the rate of Rs. 6/14/- per Ghumaun.

Sir my friend the Revenue Commissioner has asked me to tell him the name of the zamindars of Tehsil Bhimber, who has 25 bighas of land in the State and 25 bighas in the Punjab. Sir, his name is Karam Dad Khan.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : What village does he belong to?

SHEIKH MOHAMMED AMIN : Sir, he belongs to Tehsil Bhimber. I would submit, Sir, that the Government should consider the question of reduction in the rate of land-revenue. My friend the mover has sufficient experience in this direction and I think he will in his reply throw more light on the subject.

MOULVI MOHAMMED ABDULLAH : Sir, it is not proper to speak on a subject about which a person does not know much ; but since I am interested in this resolution, I want to say something about it. It transpires from the speech of Sh. Mohammed Amin that 25 per cent. of the produce is the rate of land-revenue in the State ; but I have come to know that the principle which was followed in Kashmir for the realization of land-revenue was that half of the produce was retained by the cultivator, $\frac{1}{4}$ of it went to the proprietor and the remaining $\frac{1}{4}$ was realized at the rate of 30 per cent. At any rate the land-revenue realized in Kashmir valley was more than 25 per cent. of the produce, and this was due to the fact that land-revenue was paid to the Government in the capacity of a proprietor on one hand and secondly as a Ruler. The Government

realized ¼ in the capacity of a Ruler and some addition was made in it for their being proprietors also. The Government were enjoying proprietory rights uptill now; but quite recently proprietory rights were granted to the peasants. But the rate of the land-revenue is the same as before. This mistake must be rectified. Therefore the resolution demanding an inquiry regarding the rate of land-revenue is quite reasonable and proper.

The land-revenue realized in the Punjab is 12 per cent. while in Kashmir it is 25 per cent. in spite of the fact that it keeps on raining here for more than 6 months with the result that the poor people have to go to the Punjab and other places for earning their livelihood and for paying up the land-revenue. Therefore it is necessary to institute an inquiry regarding the excess in rates of land-revenue and this demand seems quite reasonable. The second question relates to the appointment of Commission. I do not want to oppose the appointment of a Commission, but I think it is necessary that only such persons as are experts in the land problems and can submit a suitable report in this behalf should be appointed as members of the Commission. It is only then that the real object of appointing a Commission can be achieved, otherwise, I can say on the basis of my own experience, that the Standing Committees are simply a means to earn travelling allowances.

LALA HANS RAJ : Moulvi Sahib, you are attacking.

MOULVI MOHAMMED ABDULLAH : It is the public who fill the Government treasury and therefore it is not proper to burden the State Exchequer. A number of committees are formed and the members of the Praja Sabha are appointed members thereof. Therefore I want to submit that if the appointment of a Commission is considered a necessity then persons like myself who have no experience of settlement line should not be taken on the personnel of the committee ; but on the other hand, person acquainted with the revenue work should be appointed, and it is only then that this commission can do some useful work. I take my own case. I happened to come to Jammu in connection with the Education Standing Committee and went to the Hon'ble Home Minister and took our seats on the chairs.

PANDIT JIA LAL KILAM : If you do not like to sit on a chair you can sit on the matting spread on the floor.

MOULVI MOHAMMED ABDULLAH : The question before the committee was to ascertain the places where schools were required to be opened and the distance at which the existing schools were situated from one another. But we did not know anything about it.

PANDIT LOK NATH SHARMA : Sir, under Rule 93, the Moulvi Sahib cannot disclose the proceedings of the Standing Committee.

MIRZA MOHAMMED AFZAL BEG : Sir, Moulvi Sahib has stated only this that no work is done in the committee and he has not dis-

closed the proceedings.

MOULVI MOHAMMED ABDULLAH : Sir, when the meeting of the committee was held, the Hon'ble Home Minister told us that he had received a report from the office regarding the population of certain villages and the distance at which the different schools were situated. But we know nothing about it. The proceedings lasted for about an hour and after that we got our allowance and T. A. and went to our respective homes.

PANDIT LOK NATH SHARMA : Sir, I too was a member of that committee and therefore I know that the meeting lasted for two hours and 45 minutes.

MOULVI MOHAMMED ABDULLAH : I am relating my own experience. The point is that unless the members of a committee are fully acquainted with the facts, the commission cannot serve any useful purpose. I know that you are efficient but we are here to learn something about the duties of a member. We do not put in efforts to know the conditions of the country. I do not want to refer to any particular person ; you and Mr. Kilam are really capable ; but if persons like myself are taken in the committees, nothing will be achieved.

PANDIT JIA LAL KILAM : You may not accept the membership of the committees.

MOULVI MOHAMMED ABDULLAH : Sir, if this resolution is accepted then the members of the commission to be appointed must be such as are capable men and acquainted with the work that has to be entrusted to them.

PANDIT JIA LAL KILAM : Sir, is he supporting or opposing the resolution?

MOULVI MOHAMMED ABDULLAH : Sir, I support it, but I submit that capable persons should be taken on the commission.

CHOUDHARI ABDULLAH KHAN : Sir I support the resolution of Pandit Ram Chandra Dobey and would like to say something regarding the reputation which the mover of this resolution enjoyed in the Revenue Department. Pandit Ram Chandra Dobey rose from the post of a Naib-Tehsildar to that of the Settlement Officer and held that post for a considerable time. After that he was appointed Governor, officiated as Revenue Minister for some time then retired from the post of Governor of Kashmir. He has acquired a considerable experience of the Revenue Department. During the tenor of his service he was not only posted at Jammu, but has been to every Illaqa in Kashmir and there is no such place where he was not posted as a Revenue Officer. He knows full well the conditions obtaining in each and every Illaqa.

KHAN BAHADUR RAJA MOHAMMED AFZAL KHAN : But in his speech he referred to two Tehsil only and as regards the other Tehsils he stated that other members might know much about them.

CHOUDHARI ABDULLAH KHAN : Sir, I mean to say that the mover is thoroughly acquainted with the productive capacity of the soil and the condition of the people and he happens to be a member of the Praja Sabha also.

A VOICE : Not by chance but by efforts.

PANDIT JIA LAL KILAM : You may say that it is our good luck that he is a member.

CHOUDHARI ABDULLAH KHAN : Since the mover is acquainted with the condition of the people and wants to bring these facts to the notice of the Government, therefore he has placed this matter before the House in the form of a resolution. We moved resolutions for making reduction in the rate of land-revenue two or three times but those were rejected, therefore the mover has again moved this resolution that a commission be appointed which after visiting different places, should enquire into the condition of the people and submit a report to the Government suggesting ways and means for removing the hardships of the people. Besides, I want to submit that the principle of assessment of land-revenue is as clear as day-light. The residents of Illaqas Mirpur, Muzaffarabad and Kathua etc. which are situate on the boundary line of the State know that they have to pay land-revenue double that of the Punjab. Therefore the Government should devise some means in order to remove the hardships of the people of the State. The form and wording of the resolution of the hon'ble mover will clarify the position and the Government will also come to know that the question of land-revenue in the State is different from that in the Punjab and no where else are the people put to such hardships. In this connection I would submit that when land was first assessed to revenue the crops were sold at high rates, but this is not the case at present; therefore it is necessary that a fresh assessment be made. In reply to some of the questions it has been stated that the settlement operations are over and a fresh settlement cannot be taken in hand before the prescribed period. But I would submit that the period of 40 years prescribed for settlement is so long that the zamindars of the State cannot tolerate it because of the fact that they will be ruined by the time of the next settlement operations. Although it is not very long when the last settlement operations took place yet the zamindars have suffered very much during this period. Under these circumstances, a commission must be appointed which may acquaint the Government with the conditions of the people; with these words I support this resolution.

MAJOR MIRZA ATTA MOHAMMED KHAN : Sir, I support this resolution in the capacity of a representative of Reasi District. I would submit that the rates of land-revenue in District Reasi are very high and it is desirable that these should be reduced to a certain extent.

SARDAR HARI SINGH : Sir, since it is an important resolution, therefore first I want to reply to what has been stated by Pt. Ram Chandra Dobey. He has stated that the land-revenue realized in Jasmergarh Tehsil is higher than it is at other places. I have assessed this Tehsil to land-revenue. He has further stated that in Kandi Illaqa the zamindars reap one harvest after three years. I admit that in Kandi Illaqa crops depend upon rains but when assessing the land to revenue at the time of settlement the average produce of 4 to 5 years is taken into account. The second point which Pt. Ram Chandra Dobey has referred to is that the rates of land-revenue in Jasmergarh Tehsil are higher than elsewhere. There are two tracts in that Tehsil, one being the Kandi Illaqa and the other is Andhar. Major Prem Singh, perhaps, remembers that the zamindars of that Illaqa submitted an application to me that if a canal or Kuhl is dug water will go down and it is a fact that by digging Kuhl the water supply has run down there. The population in the Andhar Illaqa has diminished while in the Kandi Illaqa it has increased. The people of Kandi Illaqa cultivate lands in Andhar. The Andhar Illaqa is very fertile and yields many harvests. The majority of the population live on the produce of this Illaqa and during leisure time they go to the Punjab for labour. To say that the population has decreased is not correct. Pt. Dobey has stated that some Lambardars have committed suicide. It is true but he has not stated the cause of their doing so. Whether the Lambardars committed suicide on account of their failure to recover the land-revenue due to them. At the time of settlement when land-revenue was assessed everything was kept in view. When it was found that a village or an owner of land cannot depend on land for subsistence or the land-revenue assessed on the land is excessive, the settlement department made a reduction of many annas in a rupee. Now it has been stated that at the time of settlement land-revenue was assessed at a higher rate but, I submit that no objections to the enhancement of land-revenue were received at that time. Of course some objections were filed in connection with the Kahcharai Tax. An enquiry was instituted and the rate of tax was lowered. Lala Hans Raj has stated that many people have committed suicide but he has not mentioned the names of a single individual so that we might come to know the reasons for their doing so.

MIRZA MOHAMMED AFZAL BEG : Were you prematurely retired from the post of Settlement Officer?

SARDAR HARI SINGH : Sh. Mohammed Amin has stated that in Rakh Samial and Rakh Bahu, land-revenue is assessed at the rate of Rs. 6. I understand that a concession has been allowed to them in this respect. (Laughter)

The concession given to them is that the lands granted to them

were the private lands of His late Highness Maharaja Bahadur Pratap Singh Ji and the zamindars could not establish their right over them. They have been cultivating these lands from four years after the death of Maharaja Pratap Singh Ji Bahadur. The concession allowed by the present Government is that first occupancy rights were granted to them and subsequently proprietory rights were also granted. On the other hand if these lands were auctioned each kanal of land would have fetched over Rs. 200. The Government have shown them a favour by giving them these lands on a nominal rate of land-revenue. To construe these concessions in other sense is far from justice. The former practice in the State was that 50 per cent. of the produce went to the tenant, 25 per cent. went to the State and the remaining 25 per cent. to the proprietor. But now land-revenue is assessed at the rate of $12\frac{1}{2}$ per cent. instead of 25 per cent. and the same practice is followed in the Punjab. Ch. Abdul Karim has stated that the rate of land-revenue has increased and the prices have fallen. It is not correct. On the contrary, the fact is that these very rates were kept in view at the time of assessment of land-revenue.

LALA HANS RAJ : Sir, much of the time of the House is being wasted.

SARDAR HARI SINGH : I would submit that the work of assessment of land-revenue is not so easy that every person can perform it. This work was entrusted to experienced and responsible officers of the Revenue Department who kept in view the productivity of the soil, the locality and the means of water supply. They visited each and every village, ascertained everything relating to land and then submitted their report to the Settlement Commissioner who himself went to the spot and checked everything and after this the papers were sent up to the Hon'ble Revenue Minister for sanction. The appointment of a commission consisting of official and non-official members can serve useful purpose only if the members are fully acquainted with Revenue and Settlement work or have served in the Settlement Department.

VOICES : You will also be appointed as a member. You need not be anxious.

SARDAR HARI SINGH : In view of these facts it is not, in any case, proper to entrust this important work to the commission. To say that the rate of land-revenue has increased is not correct. In these days a great cry is raised through the newspapers and other means that the rate of land-revenue is high. Prior to the present settlement the period for carrying on settlement operations was fixed at 20 years but on the insistent demand of the zamindars, His Highness the Maharaja Bahadur extended the term to 40 years. And even now when the period is considerably long, it is stated that the people are experiencing difficulties. In view of

these facts I do not support Pt. Dobey's resolution but on the other hand I strongly oppose it.

CHOUDHARI ABDUL KARIM : Sir, I want to submit, in support of the resolution, that Sardar Hari Singh, when he was serving in the Settlement Department, was a source of terror to the people and they feared him as if he was the Angel of Death. The land measurement in Illaqa Mirpur which was completed under the supervision of Sardar Sahib, was wrong to a great extent. The land-revenue leviable on $2\frac{1}{2}$ kanals of land was imposed on $1\frac{1}{2}$ kanals of land. This should serve as an example of the inaccuracy of his measurements. Even the classification of soil was not correct. The land-revenue assessed in this Illaqa is far higher than that in the British territory and requires to be reduced. I support Pt. Dobey's resolution.

MR. JAGAT RAM ARYAN : So far as my information goes, the rate of land-revenue in Bhadarwah, if I am not mistaken, is far higher, as much as double, than that in Kashmir Valley. This is due to the fact that the officers appointed to assess the lands imposed higher rates of land-revenue on the zamindars in order to give the Raja Sahib an impression of their good work. The zamindars of that Illaqa cultivate their lands themselves but the rate of land-revenue is fixed at a higher pitch. The reasons for the high rates of land-revenue are that the burden of the influential zamindars was shifted to those yielding no influence. The situation that has now developed is that thousands of people of Bhadarwah have migrated to Chamba, Delhousi and Bakli etc. and have settled there. The rate of revenue per Ghaumaon in Bhadarwah is Rs. 8 while it is Rs. 4 and Annas -/8/- per Ghumaon in Srinagar in spite of the fact that the land in the Kashmir Valley is more fertile. The Bhadarwah Illaqa is mountainous and is divided into small tracts. The stony lands of Bhadarwah can stand no comparison to the fertile lands of the Kashmir Valley. Therefore I feel impelled to support this resolution. It is necessary that a Commission be appointed which may report as to the extent to which high rates have been imposed and to suggest measures to do away with this hardship.

SHEIKH ABDUL HAMID : Sir, the question of reduction of land revenue was discussed in the House many times and I too spoke on these occasions and admitted that the rate of land-revenue in the State was really higher than that in the adjoining tehsils of British territory ; and I am of opinion that the land-revenue rates should be reduced to a reasonable extent. This fact does not require any more explanation or discussion because of the fact that the reduction in the rates of land-revenue was also one of the damands placed before the Glancy Commission and I know this because I appeared as a spokesman before that Commission. So far as I remember,

Mr. Glancy also admitted in his report that the land-revenue realized in the State was higher than that of the adjoining British Illaqa and he recommended that the question of reduction of land-revenue should be taken into consideration when the financial condition of the State has improved.

RAJA MOHAMMED AFZAL KHAN : It is not so.

SHEIKH ABDUL HAMID : Anyhow, as far as I remember if you were to study the report a little more carefully you will come to know that he has admitted that the rates of land-revenue are excessive.

There is not the slightest doubt about it that lands in the Jammu and Kashmir Tehsils yield far less than those in British Indian Tehsils and they mainly depend upon rain. If there are no rains the zamindar has to pay the land-revenue even from his own pocket. There are such lands also which do not yield even one crop a year ; and such difficulties are often felt in hilly tracts of the country. It is quite possible that there may be such lands which yield two crops a year.

But as regards the real purpose of the resolution and the desirability of a Commission required by the resolution I want to ask the House whether the appointment of such a Commission will be just or not?

Sir, persons demanding appointment of a Commission are aware of the fact that it is a rather difficult thing. It is strange that this demand should have been made by such persons who have been working for a fairly long time in Settlement Department, and as Settlement Officer, Governor and even as Revenue Ministers. They have mainly served in the Revenue and Settlement Departments and they know very well the means that are adopted for assessment of land-revenue, the additions and subtractions made and the difficulties to be faced.

Our past experience shows that the Settlement Staff consisting of hundreds of persons had to stay for over 10 years in each Tehsil of the State, and it was then that this difficult task of Settlement was accomplished. In spite of the fact that the Settlement Staff is fully acquainted with Settlements work yet they have to face so many difficulties and sometimes they may take ten or twenty years to do this difficult task. Under such circumstances if a Commission were to be appointed which should tour through all the districts of the State and make a report regarding every place and Tehsil, then in my opinion, since the members of the Commission are not expected to be so well acquainted with the nature of settlement work as is case with the Settlement Staff, even ten years would be quite insufficient for them to finish the work. So if a Commission were to be appointed this work will remain unfinished till eternity, and handed down to posterity, generation

after generation, and even then the idea of the Commission will never be fulfilled because eight or ten men cannot be of any use for such a big undertaking.

I would submit that the State after undergoing heavy expenses, assessed land-revenue in every Tehsil. Undoubtedly grain at that time, was selling at higher rates than now and it is for this reason that the appointment of a Commission is demanded. The Commission can not undertake to make any recommendation to the Government for making reduction in land-revenues. It is impossible for the Commission to do the same amount of work as has been done by the people in the Punjab. They consulted the then concerned officers and made a considerable amount of reduction in accordance with their advice. Therefore the appointment of a Commission at this time cannot serve any useful purpose.

Besides the worthy member who has moved this resolution was holding a very high office in the Settlement Department at the time the assessment of the land-revenue was made. He should have kept public convenience in view at that time. Similarly Sardar Hari Singh, who was Settlement Officer at that time, should have been more careful about this thing that the rate of land-revenue is higher than the produce. And now he is asking for a Commission. Because of great stress laid by this House on the appointment of Anti-Corruption Commission which has held only one or two meetings the Government had to undergo enormous expenditure.

If this resolution were passed the members of the Commission will have to find out Settlement papers and examine them carefully. Besides they will have to adopt the same means as are adopted by the Settlement Department at the time of assessment of land-revenue. For example in a village a certain area is set apart, ploughed and cultivated and asssessment is made according to the price of the produce obtained from that piece of land. The Commission is incapable of doing all these experiments. Even if a Commission were to be appointed it would take generations to accomplish this task.

Besides, there will be official members and if they have to do this extra work in addition to their ordinary duties it would become rather hard for them. And what will the non-official members be doing all this while?

Therefore, I shall submit once again that this resolution lacks the element of reason. But if the resolution were put in a form that a reduction of 12 per cent. be made in the rate of land-revenue, then I would have supported. There is not the least shadow of doubt that a reduction in the rate of land-revenue must be made. For example, there is a piece of land under the 'Zail' of Lala Amar Nath Kohli for which land-revenue is charged in accordance with canal rates, but the land is no better than waste land for three

years the income from this land was Ke. 1/14/- whereas the land-revenue charged was at the rate of 68 per cent. Certainly these facts must not be ignored; but I oppose the resolution in the form in which it has been presented, because it is not worthy of being accepted.

COLONEL ABDUR RAHMAN KHAN : Sir, I shall also submit that the lands of this country have lost in fertility. For example take our village which is a dry place, neither are there any canals nor wells to irrigate the land. The condition of land in our State is not similar to that in British India. The lands in the Punjab are even and the effect of manure on these lands lasts for many years. Land in our Illaqa is of a peculiar nature. Beneath a layer of soil which is not deeper than four inches, there is nothing but stones. There are no harvests in case the rains are either in excess or scanty. The lands hardly yield one crop a year, but it is only after the lapse of many years that a full crop is realized. At the time of Settlement, corn was selling at higher rates. Wheat was sold at five seers a rupee, but now it is cheaper than before. At present the zamindars have to face great difficulties in paying the land-revenue. Besides the wild beasts do great damage to the crops which are used as their fodder. For these reasons it is quite necessary that a reduction be effected in the land-revenue. The resolution which has been presented by my friend Mr. Dobey is very important. At the time of assessment, lands yielded more corps and the price of grain was higher than at present. It was for this reason that a higher rate of land-revenue was assessed. But now since the land has deteriorated in fertility and the price of grain has fallen, a reduction in land-revenue may be made. With these words I support the resolution.

LALA SHIV NATH NANDA : Sir, the resolution moved by my friend Pt. Ram Chandra Dobey has been discussed at great length. I submit that the resolution would have been quite reasonable had it demanded the appointment of a Commission for making a reduction in the rate of land-revenue and in that case I might have supported it. But the mover and the supporters of this resolution possess lacs of Ghumaons of land and there are some Jagirdars in this House who own such vast areas that they can from its income maintain motor cars and build magnifirent building. Of course if the resolution were meant for the poor peasants, I would have supported it.

COLONEL SANSAR SINGH : Perhaps you do not know that the Jagirdars do not pay land-revenue.

LALA SHIV NATH NANDA : I was not aware of that. I am thankful to you and now I will deal with the resolution from another point of view. If the receipts from land-revenue come up to Rs. 50 lacs, the poor peasants would be contributing about a lac

or two to it. And if this is the case this resolution will not be helpful to the poor zamindars but it will be more beneficial for the big landlords. There ought to have been an amendment to this resolution to the effect that the Commission should recommend a reduction, as far as possible in the rate of land-revenue in the case of those zamindars who possess not more than 10 or 15 Ghumanus of land. The resolution cannot be accepted in the form in which it is moved. Besides, nothing will be achieved by this Commission and it will be a mere waste of time. I am a member of the Srinagar Municipal Committee, therefore I know that when we have to prolong any matter we appoint a Commission for it. I agree with my friend Sheikh Abdul Hamid that if this work is entrusted to a Commission, it will not be completed even after generations. He is a lawyer and understands everything well. His opinion is well-founded. Another friend of mine has stated in this House that the zamindars are the backbone of the nation. It is quite correct; but I want to say that if the zamindars pay land-revenue to the Government, the non-agriculturists also fill the State treasury by paying heavy taxes.

MOULVI MOHAMMED ABDULLA : Sir, is he speaking relevant?

LALA SHIV NATH NANDA : I am explaining the subject in details. I would submit that it is not correct to say that most of the money that is spent on Praja Sabha is that which is earned by the zamindars with the sweat of their brow; but I would say that it is that money which is paid by us in the form of income-tax. The income Tax Regulation was enforced three months before the inauguration of the Praja Sabha. We waited upon the Government in the form of a deputation and submitted that we too want to live in the world and that we should not be burdened with taxes. I think the late Sir Barjor Dalal was the President of the Praja Sabha at that time. He told us that on the one hand we demanded the constitution of the Praja Sabha and on the other the abolition of income-tax. I asked him what expenditure would be incurred on the Praja Sabha and how much would the income-tax amount to and he replied that income-tax would yield Rs. 3 lacs and the same would be spent on Praja Sabha. Therefore I would say that it would not be just to spend the public money by appointing such a Commission. You should keep in view the well-being of those people also who pay taxes and some resolutions which may be beneficial to the tax payers should also be moved. This time I gave notice of a resolution that instead of Rs. 7, Rs. 2 per day should be paid to the members of the Praja Sabha as their daily allowance and their travelling allowance should also be reduced by 50 per cent.; but alas that resolution did not succeed in the ballot.

MR. BEG : Sir, this is an irrelevant speech.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) :

Lala Sahib, please sum up your speech.

LALA SHIV NATH NANDA : The object of moving this resolution was that the money so saved should be spent on some other useful work. I submit that so far 5 or 6 Commissions have been appointed and some of them have not yet prepared their reports; therefore I would say that the appointment of these Commissions is a mere waste of time and no useful purpose can be served by them. Let us suppose that the Government accepts this resolution and appoints a Commission but wherefrom can they get the non-official members for the Commission, because of the fact that the members of the Praja Sabha would not be returned in the forthcoming elections and if some of the members of the Commission are not returned, there would be no use of appointing this Commission. Therefore, while opposing this resolution, I submit that the Government should keep in view that when there is already a law that land-revenue be assessed by the Settlement Department in that case there is no necessity of any such Commission. This work can be done only by the Settlement Officers and therefore the demand for the appointment of a Commission is not reasonable. Secondly (as has been stated by Moulvi Mohammed Abdulla) unless the members of this Commission are Settlement-trained no reduction can be made in the rates of land-revenue. Therefore I oppose the appointment of a Commission. Of course I would agree to this resolution if the Government can arrange a regular Settlement for this purpose, but I oppose the appointment of a Commission.

COLONEL ABDUL RAHMAN : Sir, the motion may now be put to vote. We do not want to hear any more discussion.

PANDIT LOK NATH SHARMA : Sir, I want to say a few words in connection with this resolution and I hope that the hon'ble members and particularly those who are sitting on my right, will hear me patiently, because possibly after hearing what I have to say they will feel no necessity of raising a hue and cry.

KHAWAJA GHULAM MOHAMMED SADIQ : Are you referring to Pandit Jia Lal Kilam?

PANDIT LOK NATH SHARMA : You know where the shoe pinches. But I am a lawyer and am not afraid of your tricks. I submit that at the time of Settlement a claim was put forward that land-revenue should be assessed in cash and not in kind and the same demand was placed before the Glancy Commission. The reason for putting forward this demand was that at that time the crops were sold at pretty high rates and he zamindars would be benefited by cash assessment; but now when the conditions have changed, the rates of crops gone down and the zamindars are suffering a loss, they are straining every nerve to have some reduction made in land-revenue.

MAJOR MIRZA ATTA MOHAMMED KHAN : There was no assessment in kind in Jammu Province. What have you to say regarding it.

PANDIT LOK NATH SHARMA : Even God cannot reply to your questions. Sir, I want to submit that repeated complaints are made and a great stress is laid to the effect that the period of Settlement should not be fixed as 40 years. Now, Sir, you can understand the intention of the resolution. The wording of the resolution are :—

This Praja Sabha recommends to the Council that a Commission consisting of official and non-official members be immediately appointed to examine in various Tehsils the hardships due to excessive land-revenue charges and to make proper suggestions to the House. It is no where mentioned in the resolution that the land-revenue is excessive and should be reduced; but in reality their aim is to have it reduced and this is the object of the discussion on this resolution. He has not referred to any hardships except two cases of suicide. My submission is that we want to know the hardships experienced by the people by reason of which this resolution requires to be supported or passed. He has cited two instances of Lambardars one of whom committed suicide last year and the other followed suit this year. But in reply to one of the questions of Pt. Ram Chand Dobey, it was stated that no doubt a Lambardar committed suicide, but the causes which led to his suicide were quite different from those attributed to it. I want to ask him that if that Lambardar committed suicide on account of excessive land-revenue, whether any matter to this effect was found in his pocket or whether any evidence was recorded before the Police which would have proved that he committed suicide due to excessive land-revenue. We have no proof to show that he was not extravagant but an honest man did not misappropriate amount of land-revenue realized from the zamindars. No argument has been advanced to prove his honesty. Keeping Pt. Dobey's resolution in view, I want to ask him whether by the "different Tehsils" he means all the Tehsils in the State and if he really means this he ought to have moved his resolution in clear form and shown that the zamindars in the whole of the State are experiencing hardships on account of excessive land-revenue. Therefore this resolution is not clear and precise but is vague and as such cannot be discussed.

SHEIKH ABDUL HAMID : Mr. Beg was looking at you when you said that the resolution was vague.

PANDIT LOK NATH SHARMA : In case this resolution is accepted, we want to know the work, that will be required to be done by the commission. According to his statement the commission tours through different Tehsils, but what is meant by diffe-

rent Tehsils is known to the hon'ble mover only. He has not specified any Tehsil in his resolution. I want to ask him whether he has included the frontier Tehsils or not? In his speech he referred to two Tehsils only and that too in connection with water logging. As regards the other Tehsils he stated that other members will throw light on their case.

Another member has stated that his Illaqa is quite different from British India in respect of mode of living dress and other things. This is correct because we have restricted their entry into the State. We have imposed the bar of the year 1992 for them. Similarly Choudhari Abdulla Khan, in his speech, did not make any reference to the hardships caused by excessive revenue demand. I was expecting that Sheikh Mohammed Amin will make mention of the hardships experienced, in meeting the revenue demand in respect of lands in Mohalla Jolakha, but he too has not referred to it. I want to know what hardships are being experienced by the people.

LALA HANS RAJ : There is no other hardship except that of the State-subject definition.

PANDIT LOK NATH SHARMA : I was saying that the resolution is vague and no hardships have been referred to. It is alleged that the Settlement Staff extract everything from the zamindars so much so that even chicken are not spared. I do not want to reiterate this argument. It is provided in the resolution that the Commission will consist of official and non-official members who will tour different Tehsils, but the number of the members has not been specified. It is not stated whether the Commission will consist of two, ten or eleven members or whether the members of the Commission will all be experts and retired Settlement Officers like Babu Ram Das.

SHEIKH ABDUL HAMID : The people have already suffered much loss at his hands.

PANDIT LOK NATH SHARMA : There is no use moving such a resolution. Had this resolution been moved in another form and enumerated the various difficulties of the people, it might have been accepted by the Government for they never refused to appoint Commissions. For instance, when Mr. Beg placed before the House the grievances of the people relating to the Forest Department and demanded the appointment of a Forest Enquiry Committee the Government accepted his demand. Now it is for you to know what work the Commission has done except that the members got T. A. and daily allowances and nothing substantial has been achieved so far. I have been told by a member of the Forest Enquiry Committee that the members propose to pay a visit to Switzerland with a view to acquaint themselves with the conditions in that country. If the object of appointing this com-

mission is that the members thereof may visit Switzerland, in that case the commission should not be appointed otherwise we are nowhere. Therefore, I oppose this resolution.

BABU RAM DAS : (Addressing the State Councillors) Sir, before speaking something on the resolution, I want to clear the two misunderstandings regarding the Settlement Department which have been created in the House.

PANDIT JIA LAL KILAM : The hon'ble member must address the chair.

BABU RAM DAS : Sir, it has been stated about Pandit Ram Chandra Dobey that he has himself been a Settlement Officer and now by moving this resolution he wants to undo what has been done before. The Settlement Operations were first started at Ram Nagar. When land-revenue was first assessed, much expenditure was incurred on the Regular Settlement. Lacs of rupees were spent on the Settlement of each Tehsil. Land-revenue is assessed after due consideration. The object of appointing Settlement Officers is not to increase the land-revenue but they deal with each case properly and equitably. After the Settlement operations in Tehsil Basohli were over, it was observed that the land-revenue had decreased and what were the reasons therefor.

MR. BEG : Hon'ble President, I would like to submit that the learned members of the House have already moved for closure, but some speeches were made even after that. As there is very little time left and it seems that the discussion on this resolution may not be finished by four o'clock, either the sitting may be extended to 5 o'clock or the motion may be put to vote.

THE HON'BLE LAW MINISTER : It is strange thing that ten persons can speak in support of this resolution but even three cannot oppose it.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : No reply has yet been given by the Government.

PANDIT JIA LAL KILAM : The learned speaker may kindly be asked to speak a bit louder. If he cannot do so then let him come a bit nearer.

MR. SADIQ : And also in some intelligible language.

BABU RAM DASS : I was saying that the object of Settlement is not to increase the land-revenue but to assess it equitably. It cannot be said that when Pt. Dobey was acting as Settlement Officer he was not just and equitable. Pt. Dobey was in charge of the Settlement operations in Tehsils Kathua and Hiranagar and it is this Illaqa which he has referred to. I do not know how he is justified in referring to these Tehsils. Pt. Dobey has stated that the population of Tehsil Hiranagar is decreasing and the reason adduced by him is that the crops there are not adequate. But he should know that this is not the reason for the decrease in popu-

lation; on the other hand there are enough agricultural areas so much so that the people from outside come, cultivate the lands and reap benefits out of it.

MR. BEG : Really you did not deserve a middle school.

BABU RAM DAS : After this Lala Sahib stated that the prices have fallen and land-revenue is not assessed in accordance with the present rates. But in reality this is not the case. In the Tehsils of Karnah and Muzaffarabad, the rate taken into account at the time of settlement for the assessment of land-revenue, was one maund of maize per rupee; in spite of the fact that at that time maize was sold at the rate of 16 seers a rupee. The Settlement Officers used their foresight in the matter of aeesessment of land-revenue, because they shall come at a time when the agricultural output is in plenty and prices fall and, at that time, the people will say that land-revenue is excessive. But now when the crops are in plenty and the rates low, it is said that the land-revenue is very high. The duty of the Settlement Officer is that they should take all these facts into consideration and fix some standard for the assessment of land-revenue so that if there is a rise or fall in the prices of crops, that too may not be ignored. And if any person raises any objection that also may be heard. Sheikh Abdul Hamid, who has supported this resolution, has been practising as a lawyer at Muzaffarabad, but he does not know that the least rate was taken into account at the time of assessment of land-revenue in Muzaffarabad Tehsil. Agha Syed Hussain was the Settlement Officer at that time and he is aware that land-revenue was assessed at low rates. It is said that since the prices have fallen the rate of land-revenue should also be reduced. I would submit that all such provisions in the Settlement Rules and all these facts are taken into consideration at the time of fixing a standard of land-revenue. Last year also a resolution was moved to the effect that the rate of land-revenue was high and a reduction of -/4/- per rupee may be made therein. It is not proper to press the same thing over and over again. Choudhari Abdulla has referred to the conditions when Sardar Hari Singh was the Settlement Officer.

GHULAM MOHAMMED SADIQ : Sir, he has gone off the track.

BABU RAM DAS : Land-revenue is not assessed off-hand, but first the productivity of the soil is taken into account and after this the measurement is carried out. The officers come one after another and check it and it is after this that assessment is made. It has also been stated that the rate of land-revenue is lower in the neighbouring British Indian Illaqas than that in the State. I admit that there is a difference but it is not so much as has been stated. The conditions in the State are different from those in the Punjab and this is the cause of the difference in the rate of land-

revenue. I would, in this connection, refer to the assessment of land-revenue in Mirpur District. When Mr. Salisbury went to Mirpur, he made a thorough enquiry to the effect whether the land-revenue was not very high. He was told that the agricultural produce of the State was sold at high rates and it is exported. Some people told him that the produce cannot even meet the requirements of the people while others complained that the crops be allowed to be exported. It was also stated that there was difference in the rate of land-revenue between the adjoining Tehsils of British India and the Tehsils of the State and the reason stated therefor was that the crops were imported from Jhelum and sold at Mirpur. In reality the land-revenue realized from them is not due to high rates in the State. Some said that when they sold their crops at pretty high rates, there is no reason why they should not pay land-revenue at high rates. The assessment is not made blindly but according to some principle.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : You are exceeding the time-limit therefore you should sum up your speech.

MR. BEG : Sir, I have already requested you to extend the time, and would submit again that today's sitting may be extended up to 5'o'clock. We do not know for how long this discussion will continue.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Let him finish up his speech, then, we shall see to it.

BABU RAM DAS : It is easy to compare the rates of land revenue in the State to those in the Punjab ; but it is not taken into consideration as to when assessment was made at different places. In Muzaffarabad land was assessed in 1986 while Tehsil Hizara was assessed to land-revenue in about 1956. There must have been rise and fall in the prices during this intervening period of 30 years, and therefore difference in rates between Hazara and Muzaffarabad Tehsils is natural. It is impossible that the same rates may continue for a period of thirty years. Under these circumstances the demand of a Commission does not seem proper. I think, the Government should also find out those Tehsils where a revision in land-revenue is desired. I think this resolution is not appropriate and therefore I oppose it.

MR. BEG : Sir, I requested you to extend the time and now only two minutes are left.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Does any body object to the extention of time?

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : (Law Minister) Yes Sir. I have got a lot of work to do. Last night I went to bed at 2 minutes to eleven.

MR. BEG : I want to submit that only two minutes are left

and within this time votes should be taken. If the Hon'ble Law Minister went to bed at 3 mnutes to eleven yesterday, to-day he may go to bed at eleven. (Laughter).

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : (Law Mnister) No Sir, it is physically impossible. You have grown impatient even now. The Government have not yet said anything in reply and upto this time there has been speeches in favour of the resolution. If you are serious about the resolution then here are the facts and figures with which you have to deal now. If you intend to give serious attention to the resolution you have to take into consideration, the facts and figures which will now be put before you.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : It seems that some members are in favour of extending the time while others are against it. I have been told that even before this, time was once extended in Srinagar Session of the Praja Sabha.

THE HON'BLE SIR LAL GOPAL MUKERJI KT. : But my friend ought to have known the fact that there would be speeches against the resolution as well and the Government would have also to give reply. They ought to have restricted their speeches.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER : I do not see any particular reason why my friend should insist for extention of time for this particular resolution. About two dozen resolutions have lapsed on account of no time and I do not see any reason why we should make an exception regarding this resolution. If the hon'ble member wanted to reach any conclusion they could have eliminated a number of their speeches.

PANDIT JIA LAL KILAM : The resolution of Mr. Shahdad relating to Alikadal bridge has also lapsed.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : Since there is much opposition to the proposal of extending the time therefore the House is adjourned.

The House was adjourned to 2nd April 1938.

———

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THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)

VOLUME VIII

12TH DAY

(2nd April 1938)

NON-OFFICIAL BILLS

EIGHTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



JAMMU,

Printed at The Ranbir Government Press—20-4-95—150.

1938.

Jammu and Kashmir Praja Sabha

President :

THE HON'BLE MR. JUSTICE K. L. KICHLU,
RAI BAHADUR.

Secretary:

PANDIT HIRANAND RAINA, B. SC., LL. B.

Assistant Secretary:

MR. MOHD. NASIR-UD-DIN KHAN, B. A., LL. B.

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JAMMU AND KASHMIR PRAJA SABHA.

MARCH-APRIL JAMMU SESSION 1938.

Saturday the $\frac{\textit{2nd April 1938.}}{\textit{20th Chet 1994.}}$

The Praja Sabha met in the Praja Sabha Chambers at Ajaibgarh at eleven of the clock.

Mr. President (The Hon'ble Mr. Justice K. L. Kichlu) in the chair.

QUESTIONS AND ANSWERS.

694. HAJI AHMEDULLAH SHAHDAD: (*a*) Will the Hon'ble Minister-in-charge please state whether in *Illaqa* Dedimari, the Mohallas *i. e.* Sada Kadal, Haftpura Bala, Malik Sahib, Bala Yar Bal, Ghas Mohalla, Dana Mazar, Charara Bal, Saki Dafar, Kanth Parastan, Lar Masjid, Zari Masjid, Naupura, Ganderpura, Pathpura, Waniyar, Chanderpura, etc. in Ward No. 5 and Khalifapura and *Illaqa* of Zanumar in Ward No. 4, Corapura, Naidpura, in Ward No. 6 Mohalla Arot, Pather Masjid, Duldul Mohalla, Gunzi Khud, Rahbaba Sahib, Charmagri Mohalla, Khana Wari, Jamal Letu, Islam Kocha, Bagh Ghais etc. in Ward No. 7 and Mohallas Babapura, Kaka Bagh, Daghduyar, Laripura, Chanapura, Yazdanipura and Gali Kadal in Ward No. 8 are included in the municipal limits? If reply be in the affirmative, why the above mentioned Mohallas in these wards have been deprived of the municipal rights such as lighting, sanitation, pucca roads, drains, lavatories, water-taps etc.?

(*b*) Are Government prepared to instal light etc. in the Mohallas of the above mentioned wards or not?

(*c*) If reply be in the affirmative, when will then the arrangements be made in these Mohallas?

KH. GHULAM AHMED ASHAI (On behalf of the Hon'ble Hazur Minister): (*a*) All the Mohallas excepting Haftpura Bala, Charabal, Waniyar, Naidpura, Sirajpura and Yazdanipora are within municipal limits and in most of the Mohallas municipal amenities exist. It is only in far outlying villages that the arrangements are scanty.

(*b*) Yes.

(*c*) The elected members of the wards concerned have been entrusted with the work of extending pucca roads etc., and providing electric lights in these Mohallas in consultation with the respective Sub-Committees consisting of non-official members of the Committee.

695. HAJI AHMEDULLAH SHAHDAD : Will Hon'ble the Home Minister please state : (*a*) What is the number of Muslim and Non-Muslim teachers in Primary, Middle and High Schools in Srinagar City ?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Home Minister) :

The information required is given below : -

	Muslim.	Non-Muslim.
Primary Schools Srinagar City ...	45	113
Middle ,, ,, ,, ...	22	53
High ,, ,, ,, ...	14	68
	81	234

696. HAJI AHMEDULLAH SHAHDAD : Will the Hon'ble Minister-in-charge please state : (*a*) If it is a fact that the cultivators of Srinagar city have been paying Rs. 4 annually as tax for using manure for the last four years ?

(*b*) Were zamindars paying this tax four years back ?

(*c*) If reply to part (*b*) be in the negative, then, what are the reasons for imposing this tax ?

KH. GHULAM AHMED ASHAI : (*a*) No.

(*b*) & (*c*) Do not arise.

697. HAJI AHMEDULLAH SHAHDAD : (*a*) Is it a fact that the inhabitants of village Shopian have many times requested for the opening of a High School there ?

(*b*) If reply be in the affirmative, will Government meet the demand of the people by opening a High School in village Shopian ?

PANDIT RAM NATH SHARMA : (*a*) Yes.

(*b*) The suggestion will be considered when the future policy of the Government for the expansion of secondary education is settled. The general question of policy is already receiving attention.

698. HAJI AHMEDULLAH SHAHDAD : (*a*) Will the Hon'ble Revenue Minister please state if the Forest Department grants land for agricultural purposes ?

(*b*) If reply to part (*a*) be in the affirmative, it may please be stated on what terms does the Forest Department grant land for cultivation to the zamindars ? What area has been granted to the zamindars ?

K. B. RAJA MOHAMMED AFZAL KHAN (On behalf of the Hon'ble Revenue Minister) : (*a*) No

(*b*) Does not arise.

699. LALA SHIV NATH NANDA : Is it a fact that there is no place where the public of the Jammu city can have tennis lawns ?

Is it true that there is only one place namely the "Parade" which is in a very improper condition and is full of stones and this even is in the possession of the Military Department and consequently the Municipal Committee cannot spend a penny thereon ?

If the reply be in the affirmative, will Government please make some arrangement for a tennis ground near the city ?

KH. GHULAM AHMED ASHAI : Reply to the first portion of the question is in the affirmative. No suitable site is available with the Municipality for providing a tennis ground.

LALA SHIV NATH NANDA : Is Government prepared to remove this difficulty ?

KH. GHULAM AHMED ASHAI : What objection can the Government have if some site is available and you are prepared to pay for it.

PANDIT LOK NATH SHARMA : The question is regarding Jammu but he is not a member of this place.

LALA SHIV NATH NANDA: I said about the parade ground.

K. B. RAJA MOHAMMED AFZAL KHAN : That site is entirely under the military control and is meant for the use of the military.

LALA SHIV NATH NANDA : Then what arrangement will be made for the children ? Where will they play ?

K. B. RAJA MOHAMMED AFZAL KHAN : They can have their games in the play-ground. You may also play there. We play there also.

LALA SHIV NATH NANDA : Will, it not be a great botheration to have to play with stones.

K. B. RAJA MOHAMMED AFZAL KHAN : The boys will become more hardy.

LALA SHIV NATH NANDA: You used to ride horses formerly but now you ride in motor cars. Why don't you ride horses so that you may become more hardy.

K. B. RAJA MOHAMMED AFZAL KHAN : I ride horses even now (Laughter).

700. MOULVI MOHAMMED ABDULLAH : (*a*) Do Government know that the zamindars in the villages are generally poor?

(*b*) Has the present law regarding alienation of land which permits them to part with one-fourth of their land led to increase in their poverty ?

(*c*) In view of the above facts have Government adopted any measures for the help and protection of the zamindars ?

K. B. RAJA MOHAMMED AFZAL KHAN : (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

701. MOULVI MOHAMMED ABDULLAH : (*a*) Will the concerned Minister please state for the information of the House the total number of Co-operative Societies in the Kashmir Valley upto Bhadon 1994? What is the total number of the members of these societies and the amount of debt due from all of them, and the interest paid on this debt? How much sum is due from these societies to the Central Bank ?

(*b*) In how many cases against the members in Kashmir Province were proceedings of arbitration held, decrees issued and properties attached upto Bhadon 1994?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) Total number of Credit Societies (Agricultural and non-agricultural) in Kashmir Valley at the end of Bhadon 1994 was 1,381 and number of their members was 26,635.

Amount of total loan due from these members on 31st Bhadon 1994 was Rs. 24,98,100.

As regards the total interest paid by members on the above loan, the requisite information is not available in my office. It is being collected. The loan of Central Banks, due from societies was Rs. 12,50,384.

(*b*) At the close of the year 1993-94, 1,945 awards were pending in Civil Courts involving a sum of Rs. 3,77,568 (Principal 2,51,466 and interest 1,26,102).

As regards decrees issued and properties attached information is being collected.

702. MOULVI MOHAMMED ABDULLAH: (*a*) Will Government please state whether it is necessary to have forest posts in order to differentiate between the forest area and the rest? Have the Forest Department set apart any special sum for this purpose? What is that sum Province-wise?

(*b*) Which officers can disburse this sum?

(*c*) Whether zamindars are employed for the construc-

tion of these posts and they are paid wages? What is the rate of wages?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*)—(*i*) The answer is in the affirmative

(*ii*) Every year small grants are allotted for construction and repairs of demarcation pillars. For 1994-95 the figures are :—

Jammu Province	...	...	Rs. 1,458
Kashmir Province	...	...	Rs. 2,300

(*b*) Disbursements are made by Forest Rangers and Demarcation officers as the case may be.

(*c*)—(*i*) Yes. For construction of new pillars and for that part of the repair work which cannot be done by the Forest Guards themselves on payment of wages.

(*ii*) Wages are:—

Jammu Province ...	Two annas for new pillar. One anna for old pillar for repairs
Kashmir Province.	Two to three annas per pillar according to locality.

703. MOULVI MOHAMMED ABDULLAH: (*a*) Will Government please state for the information of the House the number of mulberry trees which the Sericulture Department distribute annually in each Province?

(*b*) In which areas and on what terms these trees are planted?

(*c*) Are such trees planted in the Kahcharai areas also and is the Revenue Department authorised to cut down these trees at any time? Does not the planting of such trees there limit the scope of Kahcharai area to the zamindars?

R. B. PANDIT RAM CHAND KAK: (On behalf of the Hon'ble Prime Minister): (*a*)—.

Kashmir Province	...	75,685 in 1993-94 This number is however variable.
Jammu Province	...	12 to 15 thousands.

(*b*) Trees are planted willingly by the zamindars on their own lands in their own interests,as the Department of Sericulture prefers to distribute seed for rearing to those zamindars who have their own leaf supply. These are mostly planted on *Khalsa* lands. Forest Department also plants them in the demarcated Forests. The plants are issued free to zamindars from the nurseries maintained by the Sericulture Department.

(*c*) Trees are planted also on Kahcharai areas in

consultation with zamindars and where they do not interfere with grazing. The Revenue Department cannot cut these trees as under the Mulberry Rules this power is vested with the Directors of Sericulture.

MOULVI MOHAMMED ABUDLLAH: Sir, are the zamindars also consulted as to the places where the trees should be grown?

R. B. PANDIT RAM CHAND KAK: How can there be a consultation? It cannot be talked on phone.

MAULVI MOHAMMED ABDULLAS: Is there any record to show that the zamindars were consulted?

R. B. PANDIT RAM CHAND KAK: That is a new question. I will enquire into the matter.

704. MIAN AHMED YAR: Will the Government please state the amount of expenditure incurred during the year 1993-94:—

(*a*) On the establishment maintained for Kuth.

(*b*) On the recovery of Kuth.

(*c*) On the rewards in connection with the discovery of Kuth smuggling?

It may also be stated as to how much amount was realized by the sale of Kuth during the above year?

K. B RAJA MOHAMMED AFZAL KHAN: Rs. 88,455 were spent during the year 1993-94 for the extraction of Kuth and the maintenance of the Kuth establishment and for rewards given in recovering the Kuth. Detailed information involves so much labour as would not be justified.

The total revenue realized on account of sale of Kuth during 1993-94 was Rs. 4,79 417.

705. MIAN AHMED YAR: Will Government please state what objection have they got in getting the Kuth dug out on the royalty system by the local zamindars under the supervision of the Forest Department?

K. B. RAJA MOHAMMED AFZAL KHAN: Kuth is a State monopoly. If zamindars were allowed to extract Kuth on the royalty system under the supervision of the Forest Department there could be no possibility of checking Kuth smuggling.

MIAN AHMED YAR: Will the Government please state whether there is any objection in case the Kuth is cultivated by the zamindars in the areas owned and possessed by them?

K. B. RAJA MOHAMMED AFZAL KHAN: Kuth is a very valuable article and invites thefts and robberies to take it for nothing. It is only the State with it resources that can stop theft, robbery and smuggling. If zamindrrs were

allowed to cultivate Kuth, theft, robbery and smuggling would be frequent with the consequence of bloodshed. The price of Kuth would fall so as to make it nobody's worth while to cultivate it. State monopoly is the only remedy.

MR. JAGAT RAM ARYAN: When there is no restriction on the cultivation of Kuth in a neighbour State then, why is its cultivation prohibited here.

K. B. RAJA MOHAMMED AFZAL KHAN: We have no information from Chamba regarding Kuth. What we know is that Kuth is grown there in a very negligible quantity and that most of it is smuggled from our State.

707. MIAN AHMAD YAR: Will Government please state against which of the officers complaints have been sent to the concerned departments by the Anti-corruption Commission uptil now and what action has been taken on such complaints?

R. B. PANDIT RAM CHAND KAK; The attention of the Member is drawn to reply to Q. D. No. 818 given on 31st March 1938.

MIAN AHMED YAR? Will that reply be read out.

R. B. PANDIT RAM CHAND KAK: Certainly.

NOTE.—The reply was read.

708. MIAN AHMED YAR: Will the Government please state the expenditure and income of Water Works Department of Jammu and Srinagar respectively during the last five years and what were the establishment charges out of the expenditure?

PANDIT RAM NATH SHARMA: The expenditure and income of Jammu Water Works during the last 5 years ending 1993-94 was as under:—

Serial No.	Year.	Total maintenance and establishment including Direction Office share.			Establishment charges including Direction Office share.			Total income (Water tax).		
		Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1	1989-90	60,041	7	7	9,267	8	2	2,611	1	1
2	1990-91	67,998	5	8	13,280	15	9	14,512	8	6
3	1991-92	63,471	6	1	12,345	11	9	14,989	5	5
4	1992-93	64,222	13	4	13,614	14	6	14,743	4	8
5	1993-94	67,116	0	7	14,479	4	6	15,675	2	8
	Water Works Srinagar.									
6	1990-94	1,05,744	0	0	58,964	0	0	87,500	0	0

709. PANDIT GOVIND RAM KABU: Will the Government please state: (*a*) Whether it is a fact that there were at first three clerks in the Assistant Registrar Co-operative Societies' Office at Baramulla and now only two are working there?

(*b*) Whether the work in that office is not too much for the two clerks?

(*c*) Whether the Government is prepared to provide one more clerk in that office as was the case formerly?

K. B. RAJA MOHAMMED AFZAL KHAN: Yes. The Third clerk was Bank-paid. Owing to the paucity in Audit Fund this post has been abolished.

(*b*) The matter has not yet been brought to the notice of the Department by the Assistant Registrar Baramulla.

(*c*) There are no materials before the Government to decide that a 3rd clerk is necessary or is urgently necessary.

710. PANDIT GOVIND RAM KABU: Will the Government please state: (*a*) Whether in order to romove illiteracy among the adults, it is in favour of starting night schools and extension classes?

(*b*) If so, whether it is prepared to sanction a scheme of giving aid to private individulals who may start such classes?

PANDIT RAM NATH SHARMA: (*a*) Yes.

(*b*) A grant can be given to such schools under Grant in Aid Rules.

711. PANDIT GOBIND RAM KABU: Will the Government please state whether in view of the needs of the rural population of the country it is prepared to increase grants of medicines to the dispensaries functioning in rural areas?

PANDIT RAM NATH SHARMA: Grants for medicines fluctuate according to average expenditure of past years and future requirements as funds permit.

712. PANDIT GOVIND RAM KABU: Will the Government please state: (*a*) Whether it is a fact that there is a Middle school at Gushi in Handwara Tehsil?

(*b*) Whether a few years back there was a Hindi teacher in that school?

(*c*) Whether the teaching of Hindi has been discontinued in that school? If so why?

(*d*) Will the Government take steps to provide teaching of Hindi in that school?

(*e*) Whether in view of the central position and having a number of other Primary schools round about, Government will raise it to a Middle standard from Baisakh next?

PANDIT RAM NATH SHARMA: No ; but there is a Primary school there.

No.

The question does not arise.

The school will be given a Hindi teacher when a demand is put forth and justified.

The question will be placed before the Education Standing Committee.

713. PANDIT GOBIND RAM KABU: Will the Government please state: (*a*) Whether Sub-overseers in Public Works Department were allowed a measurement cooly in the past ?

(*b*) Whether this cooly was reduced due to financial stringency ?

(*c* Whether now that finances have improved a measurement cooly will be allowed to the sub-overseers ?

PANDIT RAM NATH SHARMA: (*a*) Regular and whole time khalasis had been allowed to all the sub-overseers throughout the Public Works Departments for the purpose of helping in taking measurements and watching Tools and Plant furniture in their charge although the men were called coolies and paid by debit to works.

(*b*) Employment of khalasis was declared by the Accountant General to be inadmissible except in case of survey works. The services of coolies with Sub-overseers were therefore dispensed with.

(*c*) The Sub-overseers have been allowed to utilise the services of gang coolies.

714. LALA HANS RAJ: Is it a fact that for checking meters the linemen of the Electric Department enter the private houses without any previous information.

(*b*) Is it proper to empower a low paid man with the authority of entering the houses whenever he likes especially when the Government knows that in the Jammu city the purdah system is in *full* force and entering a private house by a stranger is considered most objectionable.

(*c*) Will the Government in deference to the public feelings instruct the department referred to that no lineman or any other officer of the Electric Department should not without giving notice enter a house in the absence of male members or without the permission of the ladies ?

PANDIT RAM NATH SHARMA: No.

(*b*) The question does not arise.

(*c*) This is already being done as provided in Rule No. 22 of the Electricity Regulation.

715. LALA HANS RAJ: Will the Government please state

how many persons of Jammu Province and how many of Kashmir have been employed in the Accountant General's Office during the last six months ?

K. GHULAM AHMED ASHAI : Two of the Kashmir Province and one of Jammu Province.

716. WAZIR GANGA RAM : (*a*) Do Government know that village Salhan, Tehsil Hiranagar is situated in Kandi tract where water is not available for miles together ?

(*b*) Do Government also know that in that village there is a small tank—the only water-supply for animals and human use—which dries up with the advent of summer every year and that the inhabitants of that village face great hardships during the hot days of summer ?

(*c*) Do Government also know that the question of water-supply for that village was first brought to the notice of the authorities by the inhabitants more than sixteen years ago on Baisakh 29, 1978 Bikrami and that since that time numerous petitions have been submitted by them for the sinking of a well in that village ?

(*d*) Will Government please state what action was taken on the first petition of the inhabitants submitted on Baisakh 29, 1978 to the Hon'ble Chief Minister and what action has been taken on each of the subsequent petitions submitted to the Hon'ble Home Minister, Chief Engineer Public Works, Hon'ble Revenue Minister and Governor Jammu ?

(*e*) Will Government please also state whether they once undertook to sink a well in that village in Samvat 1984 or 1985 and that having dug a pit some 80 feet deep they stopped further operations and never took up the excavation work subsequently after the pit got filled up by the surrounding debris and that the boring machine that cost the Government a good deal lies interred there since that time ?

(*f*) Do Government also know that they recoguized as early as 1978 when the matter was first brought to their notice the acute need for the provision of a well in that village ?

(*g*) Will Government please consider the desirability of resuming this long neglected task at an early date ?

K. B. RAJA MOHAMMED AFZAL KHAN : The Praja Sabha Sad is referred to the reply to K. D. No. 890 of this session.

Reply to Q. D. No. 890 :—

(*a*) Yes.

(*b*) Yes, but there is a well also about 1½ miles away.

In the hot weather, when the tank dries up, the inhabitants fetch water from that well.

(*c*) There is no such record in the Wazarat and the Governor' Office. Construction of well was undertaken by Public Works Department.

(*d*) No record is forthcoming in any of the offices of the Revenue Department.

(*e*) In Sambat 1988 the work of sinking a well in village Salhan was taken up by the Public Works Department. Inspite of excavating up to a depth of 135 feet water did not appear. The work had to be stopped owing to the sub-soil being very hard and stony and further progress was not possible without the help of a boring machine. In the meantime the rainy season set in and the pit of the prospective well was filled up by debris. No Boring Machine is embeded there.

(*f*) From the facts mentioned in (*e*) above it will be apparent that the Government, having recognised the necessity tried to ameliorate the difficulty by providing a well, but unfortunately owing to unsurmountable difficulties the effort proved abortive.

(*g*) Yes. The Government tried to do all it could do and is still doing. The Kandi water supply is taken up as a whole and this case of Salhan will also be taken up in due course.

(*h*) Keeping in view the extreme hardships experienced by the inhabitants of Kindi *Illaqa* for want of water the Government have decided to construct new wells and tanks in the Kandi *Illaqa* where they are badly needed and repair the existing tanks etc. More than Rs. 25,000 have been spent last year in Bhimber and various other Tehsils. This year a sum of Rs. 40,000 has been provided for this work. It will be seen that the Government has taken up this question in right earnest and it is hoped that gradually all villages lying in the Kandi tract will get their share.

MIRZA MOHAMMED AFZAL BEG: Possibly Lala Sahib is not anxious to have the reply; perhaps that is why he has not stood up.

LALA HANS RAJ: I have been absent for sometime.

PANDIT LOK NATH SHARMA: Probably you were absent-minded.

717. LALA HANS RAJ: Will the Government please state what has been the result of the enquiry made into the grievances of the public against Hira Lal Patwari Dansal otherwise known as Kachapind? Was any representative of the public called to take part in these investigations?

K. B. RAJA MOHAMMED AFZAL KHAN: *Part 1st.*—The name of the Patwari posted at Dansal is Bharaya Lal and not Hira Lal. The allegations made against this Patwari could not be substantiated by the complainant before the Revenue Assistant who held the enquiry. The complaint was reported to be the result of personal grudge.

Part 2nd.—No.

718. LALA HANS RAJ: (*a*) Will the Government please State how many persons belonging to Jammu Province constitute the establishment and Gazetted staff of the departments under the Accountant General, the Hon'ble Prime Minister, the Hon'ble Home Minister?

(*b*) If their number be small, reasons therefor may be given?

(*c*) The number of Gazetted Officers with their names and place of residence may please be given.

R. B. PANDIT RAM CHAND KAK: The information desired to be called for could not be fully collected within the time at the disposal of the Government

719. MR. JAGAT RAM ARYAN: Will the Government please State as to how far the Police have succeeded in tracing the facts with regard to the case in which some persons had taken away two sons of Mr. Raghunath Sahni Professor, Prince of Walles College and after killing them had thrown the dead bodies into canals?

Who was the officer deputed for investigation in this case? If not why not?

PANDIT RAM NATH SHARMA: The police has no reason to believe that any person did take away the two sons of Professor Sahni and kill them. As the death appeared suspicious inquires under section 174 C. P. C. were started and are still in progress. Inspector Rawel Singh is inquiring into the case.

LALA RAM LAL VAKIL: When will the enquiry be over?

PANDIT RAM NATH SHARMA: It is now due to be over.

720. MR. JAGAT RAM ARYAN: Will the Government please state whether it is a fact that certain Muslim Headmasters have granted scholarships meant for Harijans to the Muslim students. If it is so are these Headmasters justified in doing so. If answer to this be in the affirmative it may be stated under what rule can they spend a sum meant for awarding scholarships to the Herijans on the Muslim students?

PANDIT RAM NATH SHARMA: Yes. The scholarships are intended for "Harijans" but as these were originally described as "Depressed Classes" and the definition of

,'Depressed classes" in the existing rules includes "Wattals". 9 out of 290 scholarships have been awarded to "Wattals". Clear instructions will, however, be issued for future guidance.

MR. JAGAT RAM ARYAN: Were they justified in doing so?

PANDIT LOK NATH SHARMA: Care will be taken about it in future.

721. MR. JAGAT RAM ARYAN: Will the Government please state (the number of the appointments made in the Revenue Department in Jammu Province during the last five years? How many of the persons appointed on these posts are Muslims. Rajputs, Khatris, Brahmins, Sikhs, Harijans and Kashmiri Pandits etc. ?

The statement showing all these particulars together with their names and qualifications may please be placed on the table of the House.

K. B. RAJA MOHAMMED AFZAL KHAN: *Part 1st.*—One hundred and thirtyseven.

Part 2nd.—

Muslim	...	...	...	49
Rajputs	...	...	...	36
Khatris	...	...	...	8
Brahmans	...	...	...	22
Sikhs	...	...	...	5
Harijans	...	...	...	9
Kashmiri Pandits		...	...	2
Others	...	...	...	6

Part 3rd.—The statement asked for is placed on the table of the Praja Sabha Sad. The information regarding educational qualifications required much time and labour. It has not been possible, therefore, to furnish this in some cases.

Statement showing the number of the appointment made in the Revenue Department in Jammu Province during the last five years.

Serial No.	Name.	Caste.	Designation.	Qualification.
1	Dwarka Nath ...	Khatri ...	Wazifakhar	Matric.
2	Amar Nath ...	Brahman	Patwari ...	,,
3	Ali Akbar ..	Mohammadan.	,, ...	.....
4	Fazal Ahmed ...	,,	Wazifakhar	.....
5	Dina Nath ...	Brahman.	,,	.....
6	Mumtaz Ali Khan	Mohammadan.	Moharrir Guzar.	.....
7	Sant Ram ..	Brahman	Patwari ..	.....
8	Amar Singh ...	Rajput ...	,, ...	.....
9	Labhaya Ram ...	Brahman	,, ...	.....
10	Amar Nath ...	Khatri ...	Wazifakhar	.....
11	Vaishanu Das ...	Brahman	,,	.....
12	Hari Chand ...	Ghumar...	,,	.....
13	Mati Ullah ...	Muslim ...	,,	.....
14	Shankar Singh ...	Rajput ...	Rakha.	.....
15	Sunder Das ...	,,	Chaprasi ...	.....
16	Vas Dev ..	Brahman	Clerk ...	.....
17	Deva Ram ...	Kashmiri Pandit.	Patwari ...	.....
18	Farzand Ali ...	Muslim ...	Wazifakhar	.....
19	Labhu Ram ...	Brahman.	Patwari ...	.....
20	Faiz Ahmed ...	Muslim ...	Wazifakhar	...
21	Ghulam Shah ...	,, ...	,,	.....
22	Nawab Khan ...	,, ...	Jamadar...	.
23	Th. Bachittar Singh	Rajput ...	Clerk ...	.....
24	Thakur Singh ...	,, ...	Patwari ...	.....
25	Vidhya Dhar ...	Brahman	Wazifakhar	Matric.
26	Mohd. Sarwar Khan	Muslim ...	Clerk ...	.....
27	Mohammed Hussain	Muslim ...	Wazifakhar	.....
28	Hussain Mohammed	,, ...	,,	.....
29	Gian Chand ...	Brahman	,,	.....
30	Abdullah Khan ...	Muslim ...	,,	.....
31	Anayat Ullah ...	,, ...	Girdawar Kahcharai.	.....

Serial No.	Name.	Caste.	Designation.	Qualification.
32	Wazir Mohammed Khan.	Muslim ...	Wazifakhar	.....
33	Abdul Aziz ...	,, ...	Clerk ...	.....
34	Gopal Das ...	Khatri ...	Patwari...	
35	Abdullah Khan ...	Muslim ...	Wazifakhar	.....
36	Mohammed Alam	,, ...	,,	.....
37	Ghulam Rasool ...	,, ...	Patwari...	.....
38	Shukar Mohammed	,, ...	,, ...	.....
39	Hari Singh ...	Rajput ...	Wazifakhar	.....
40	Jamit Singh ...	,, ...	,,	.....
41	Ram Singh ...	,, ...	,,	.....
42	Bhag Singh ...	Sikh ...	,,	.....
43	Dharam Singh ...	Rajput ...	Clerk ...	Matric.
44	Said Ullah ...	Muslim ...	Wazifakhar	.....
45	Ghulam Qadir ...	,, ...	,,	.....
46	Ishwar Das	Mahajan...	Clerk ...	B. A.
47	Badri Nath ...	Brahaman	Chaprasi...	.....
48	Inchal Singh ...	Rajput ...	,, ...	.....
49	Balwan Singh ...	,, ...	Clerk ...	Matric
50	Jagan Nath ...	Brahman	Wazifakhar	,,
51	Raj Mohammed ...	Muslim ...	,,	.....
52	Solachan Singh ...	Rajput ...	Chaprasi	.....
53	Ghulam Rasool ...	Muslim ...	Patwari ...	.....
54	Chuni Lal ...	.....	Chaprasi	.....
55	Miran Bakhsh ...	Muslim ...	,, ...	.....
56	Badri Singh ...	.....	,, ...	.....
57	Trilok Singh ...	Rajput ...	Moharrir Guzar.	.....
58	Khadam Hussain...	Muslim ...	Wazifakhar	.....
59	Rattan Singh ...	Rajput ...	,,	.....
60	Mohammed Azim	Muslim ...	Moharrir Kahcharai.	.....
61	Kahan Singh ...	Sikh ...	Wazifakhar	.....
62	Latif Ahmed ...	Muslim ...	Patwari...	.....
63	Ghulam Nabi ...	,, ...	Clerk ...	.....
64	Hasham Din ...	,, ...	,, ...	.....
65	Parmanand ...	Brahman	Wazifakhar	.....
66	Nizam Din ...	Muslim ...	,,	.....
67	Gaze Singh ...	Rajput ...	,,	.....

Serial No.	Name.	Caste.	Designation.	Qualification.
68	Ghulam Muztafa ...	Muslim ...	Patwari ...	.....
69	Tulsi Ram ...	Brahman	Wazifakbar	.....
70	Prem Nath ...	Rajput ...	,,	.....
71	Mohammed Yayya	Muslim ...	Clerk ...	.....
72	Nisar Din ...	,, ...	Wazifakhar	.....
73	Kartar Singh ...	Rajput ..	,,	.....
74	Abdul Ghani ...	Muslim ...	Clerk ...	.....
75	Mani Ram ...	Brahman	Patwari ...	.....
76	Mohan Lal ...	Khatri ...	Wazifakhar	.....
77	Ghulam Azim ...	Muslim ...	Patwari ...	.....
78	Janardan Singh ..	Rajput ...	Wazifakhar	.....
79	Karam Singh ...	,, ...	Clerk ...	.....
80	Parduman Singh ...	,, ...	Girdawar Grazing.	.....
81	Sarwa Nand ...	Kashmiri Pandit.	Patwari ...	.....
82	Bachittar Singh ...	Rajput ...	Wazifakhar	.....
83	Sarup Singh ...	,, ...	Clerk ...	.....
84	Bhagat Ram ...	,, ...	,, ...	.....
85	Shiv Ram ...	Khatri ...	,, ...	.....
86	Hans Raj ...	,, ...	Clerk ...	.....
87	Athora Singh ...	Rajput ...	Chowkidar	.....
88	Anayat Ullah ...	Muslim ...	Patwari ...	.....
89	Gharib Singh ...	Rajput ...	Clerk temporary.	Matric.
90	Mohammed Saleem	Muslim ...	Clerk ...	,,
91	Bhagat Ram ...	Harijan ...	Jaribkash	.....
92	Khora ...	,, ...	Chaprasi	.....
93	Baij Nath ...	Brahman	Wazifakhar	.....
94	Mohammed Yusaf	Muslim ...	,,	.....
95	Ghulam Hussain ...	Muslim ...	Wazifakhar	.....
96	Maqbool Hussain ...	,, ...	,, ...	.....
97	Mohammad Ibrahim	,, ...	,, ...	.....
98	Mohammad Ghani	,, ...	,, ...	.....
99	Mohammad Hussain	,, ...	,, ...	.....
100	Ghulam Hussain...	,, ...	,, ...	.....
101	Amar Nath ...	Brahman	Girdawar	.....
102	Fazal Dad ...	Muslim ...	Wazifakhar	.....
103	Tulsi Ram ...	Brahman	,, ...	.....

Serial No.	Name.	Caste.	Designation.	Qualfication.
104	Bhag Singh ...	Rajput ...	Wazifakhar	
105	Bhajan Singh ...	,, ...	,, ...	
106	Sultan Alam ...	Muslim ...	Girdawar	
107	Baji Nath ...	,, ..	Wazifakhar	
108	Jai Kishen ...	Brahman	Clerk ...	Matric.
109	Prem Nath ...	,, ...	Wazifakhar	
110	Prithi Singh ...	Rajput ...	Jaribkash	
111-116	6 Harijan temporary chaprasis appointed under orders of Wazir Wazarats.			
117	Mani Ram ...	Chhiur ...	Patwari retrenched.	
118	Subha Ram ...	Thakur ...	Wazifakhar	
119	Isher Das ...	Brahman	,, ...	
120	Mohammed Din ...	Muslim ...	,, ...	
121	Abdul Karim ...	,, ...	Moharrir Kahcharai.	
122	Amar Nath ...	Brahman	Clerk	
123	Qabla Singh ...	Rajput ...	Wazifakhar	
124	Jaswant Singh ...	Sikh ...	,, ...	
125	Kanshi Ram ...	,, ...	,, ...	
126	Bhajan Singh ...	,, ...	,, ...	
127	Punjab Singh ...	,, ...	,, ...	
128	Matam Singh ...	Rajput ...	,, ...	
129	Sunder Singh ...	Thakur ...	Peon	
130	Laju ...	Harijan ...	,, ...	
131	Ghulam Mohammed	Muslim ...	Jaribkash	
132	Ganesh Das ...	Khatri ...	Patwari	
133	Th. Devi Singh ...	Rajput ..	Clerk ...	Matric.
134	Th. Raghubir Singh	,, ..	Girdawar	Matric.
135	Th. Parshotam Singh	,, ...	Wazifakhar	
136	Th. Sher Singh ...	,, ...	Clerk ...	Matric.

MR. JAGAT RAM ARYAN: In the list that I have got only two Harijans have been mentioned. How do you say they are nine?

K. B. RAJA MOHAMMED AFZAL KHAN: I do not have that list. It is possible the others may also be Harijans but the word 'Harijan' may not have been written against their names.

MR. JAGAT RAM ARYAN: There is no such name.

K. B. RAJA MOHAMMED AFZAL KHAN: It is likely there may have been some mistake in the list.

The HON'BLE SIR LAL GOPAL MUKERJI KT.: If you want to know the names of these nine persons, then I can find that out and tell you later.

722. PANDIT RAM CHAND DOBEY: Is it a fact that under Council Order No. 733 of 1935 the Government had granted the concession to the people of Jammu Wazarat of taking away of trees for use as fuel? As there is similar scarcity of fuel in other Tehsils in the plains and even more in certain other places, will the Government please extend these facilities to other such Tehsils of the Jammu Province also? If not, why?

K. B. RAJA MOHAMMED AFZAL KHAN: *1st Part.*—What the order referred to says is that barren areas lying in villages in the Jammu Wazarat can be given out on lease to persons prepared to plant fuel trees without any charge of revenue for the first 10 years in respect of land so leased out, provided the area is put to the specific use of growing timber and provided that within 2 years of the grant plantation is commenced.

2nd Part.—If the Praja Sabha Sad means the facilities provided in the order referred to above, the people concerned can make a representation and an enquiry will be made if similar facilities are to be extended elsewhere.

723. PANDIT RAM CHAND DOBEY: Are Government aware that the practice of weekly attendance of Chowkidars to their respective Police stations is becoming troublesome for both the villagers and the chowkidars, will the Government please change this practice and make the attendance fortnightly?

PANDIT RAM NATH SHARMA: This question has been carefully considered and in those cases in which hardship would be caused by weekly attendance, fortnightly attendance has already been permitted.

PANDIT RAM CHAND DOBEY: Which are those places?

PANDIT RAM NATH SHARMA: There are many such places.

PANDIT RAM CHAND DOBEY: There should be weekly attendance for chowkidars who are within three miles of the police Station while it should be fortnightly for those who live three miles beyond the Police Station.

PANDIT RAM NATH SHARMA: The attendance is fixed according to the nature of duty?

PANDIT RAM CHAND DOBEY: You mean that attendance depends upon the nature of duty?

PANDIT RAM NATH SHARMA: Yes.

724. PANDIT RAM CHAND DOBEY: Is it a fact that during the last Jammu Session in reply to my question Q. D. No. 546 the Government had stated that the special repairs of the Hiranagar-Ramkot Road will be completed upto Jeth 1994 and the road will be opened for tanga and lorry traffic? Will the Government please make this road fit for tonga traffic early?

K. B. RAJA MOHAMMED AFZAL KHAN: *1st Part.*—Yes and special repairs to Hiranagar-Ramkot Road were completed last year.

2nd Part.—I do not find anywhere that it was promised that the road would be fit for tanga and lorry traffic.

3rd Part.—The suggestion will be considered on its merits, as funds permit.

725. PANDIT RAM CHAND DOBEY: Is it a fact that the Basantpur Canal in Kathua Tehsil remains closed from 15th Assuj every year, but Abiana *Wadwatter* on Rabi crops is recoverd even for this period. Will the Government please immediately relieve the zamindars from this unreasonable burden?

PANDIT RAM NATH SHARMA: In Kathua District rice crop matures by the end of Bhadon. The water taken by the zemindars in Assuj is chiefly done with the object of making the fields sufficiently damp in order to admit Rabi crops being sown in them. It is for this reason that *Wadh waltar Abiana* is charged.

726. PANDIT RAM CHAND DOBEY: Are Government aware that no reduction in the land-revenue assessed in the villages adjoining Rakhs set up after the Settlement has so far been granted in pursuance of a resolution passed by the Praja Sabha on 16th March 1936? Will the Government please place on the table of the House a statement showing the list of such villages along with the extent of reduction in land-revenue which is to be granted to each village?

K. B. RAJA MOHAMMED AFZAL KHAN: Enquiries conducted into the matter in pursuance of the Resolution referred to by the Praja Sabha Sad, have revealed that Rakh Tunnel is the only Rakh which has been extended after the Settlement and that the *Kharaba* figures (amount of damage caused to crops by wild animals) in most of the villages adjoining this Rakh have abnormally decreased as compared with those recorded before the extension of the Rakh. Instructions have been issued that for future the

damage caused by *Ujara* should be particularly noted at each harvest to enable Government to make remissions in proportion to such damages. The latter part of the question does not, therefore, arise.

PANDIT RAM CHAND DOBEY: Has not a resolution been passed in the Praja Sabha that damage done to these villages will be esimated once again.

K. B. RAJA MOHAMMED AFZAL KHAN: Yes, revision is being made; but the facts and figures show that the damage done by the wild animals is not so great. If you cite some instances we will enquire into the matter.

727. LALA AMAR NATH KOHLI: Will Hon'ble the Minister-in-charge Irrigation Department inform the house as to the following: (*a*) Is it a fact that if two varieties of crops are cultivated in the same plot at the same time, the water rates are charged on the crops as if they were on two different plots.

(*b*) If answer to (*a*) be in affirmative, does not this mean an undue harshness for the cultivators?

PANDIT RAM NATH SHARMA: (*a*) The question is not clear. *Abiana* is charged only on superior type of crop when two crops of the same harvest are sown simultaneously.

(*b*) In view of the above this does not arise.

728. LALA AMAR NATH KOHLI: Is it a fact that a case of misappropriation was started against the Educational Officer Poonch in 1985?

(*b*) If it be a fact what was the result of departmental enquiry?

(*c*) If the case was established what action has since been taken in this connection? If no action has been taken, what are the reasons for that?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) Yes, some cases of drawing false T. A. bills were brought against the Chief Educational Officer, Poonch, in 1985.

(*b*) and (*c*) Lala Sukh Dayal Sahni, the then Wazir, after going through the relevant record, framed certain charges of drawing false T. A. bills against the Chief Educational Officer and asked him to submit explanation. Since Malik Fateh Mohd. Khan, Chief Educational Officer evaded submission of the explanation, Lala Sukh Dayal Sahni, recommended his suspension for holding open enquiry into the case. Soon after this Lala Sukh Dayal Sahni retired from service and the case came up to my Predecessor Pandit Ram Rattan, M. A. and Khan Bahadur Agha Meer Hussain Shah. The Malik's explanation was obtained by Pandit Ram Rattan, M. A. He and his im-

mediate successor in office K. B. Agha Mir Hussain Shah were not statisfied with the explanation. But considering the good University result shown by Malik Fateh Mohd. Khan, Chief Educational Officer, who is also the Headmaster of the V. J. High School Poonch, a lenient view of the case was recommended to be taken. My Predecessor, K. B. Agha Mir Hussain Shah recommended the case to be dropped with a strict warning. No final orders have so far been passed in the matter.

729. LALA AMAR NATH KOHLI: Will Hon'ble the Minister-in-charge Finance Department be pleased to inform the House as to the following:—(*a*) What is the number of employees holding Gazetted and non-Gazetted posts in the Accountant-General's Office? Gazetted and non-Gazetted posts may be shown separately.

(*b*) How many of the employees are residents of the Kashmir Province and how many of Jammu?

(*c*) Does not the Government think that fixing of the permanent Headquarters of the office at Srinagar has resulted in there being a very small percentage of Jammu Province people employed in the Department?

(*d*) Will the Government consider the question of making the number of employees from Jammu Province in the Department even with those of Kashmir?

KHAWAJA GHULAM AHMED ASHAI: (*a*) and (*b*) The information required in the question is placed on the table of the Praja Sabha Sad.

Post.	Total No.	Kashmiris.	Non-Kashmiris including non-State subjects.
Gazetted ...	11	3	8
Non-Gazetted Audit and Accountants ...	200	180	20
Menials ...	42	38	4
P. W. D. Accountants ...	10	9	1
Sericulture Accountant ...	1	1	.....
Assistant Accountant Palaces ...	1	.....	1
Forest and Police Accountants ...	19	15	4

(*c*) Yes, similar is the case with the offices permanently located at Jammu, where the element of Kashmiris is small.

(*d*) The appointments cannot be based on Province of domicile. Selection is always made from amongst the best men available in both the Provinces. The number of Jammu people in the Accountant General's Office is small as they do not like to take up service in Kashmir, as the Kashmiris do not like to take up services in the Jammu Province.

LALA AMAR NATH KOHLI: You said that the number of Kashmiri Pandits in such offices as are permanently located at Jammu is less. I have not asked about Kashmiri Pandits but rather about the Kashmiris. Any way will the names of such offices be stated where the number of Kashmiri Pandits is small?

KHAWAJA GHULAM AHMED ASHAI: It is a new question. The matter can be enquired into. For example, I would invite your attention to the Ranbir Press.

LALA AMAR NATH KOHLI: That is a provincial office. I am asking about the high officials in the various departments. The Accountant-General is the head of one of the departments. I am asking about such high officers who are permanently located here and under whom the number of Kashmiri employees is larger than that of the Jammu people.

KHAWAJA GHULAM AHMED ASHAI: For instance there is the office of the Registrar Co-operative. There the number of Hindus of Jammu province is larger than the Pandits of Kashmir.

LALA AMAR NATH KOHLI: What is the number of such persons

KHAWAJA GHULAM AHMED ASHAI: I cannot say that just now.

LALA AMAR NATH KOHLI: Do their number exceed fifteen.

KHAWAJA GHULAM AHMED ASHAI: Whatever that be.

730. LALA AMAR NATH KOHLI: (*a*) Has the Government issued an order making it essential for an officer to consider whether an ex-employee of Shali Department is, or is not available and to prefer the ex-employee to the other, even when filling up menial posts?

(*b*) Does not Government think it an undue hardship for youngmen of Jammu Province, who are seeking State employment?

(*c*) Was there any such consideration made when there was a retrenchment in Settlement?

R. B. Pandit Ram Chand Kak : (*a*) The Government has issued orders that qualified retrenched employees of the various Departments should be given preference in regard to appointment to vacancies which may occur.

(*b*) There is no reason to think that on account of the order of the Government the young men of the Jammu Province will suffer greater hardship than the young men of any other part of the State.

(*c*) Every attempt was made to absorb them.

Lala Amar Nath Kohli : My question was whether any order was issued in their case like the one issued in case of the Food Control Department ?

R. B. Pandit Ram Chand Kak : An attempt was made.

Lala Amar Nath Kohli : My question is was such an order passed in their favour as was done in case of the employees of the Shali Department ?

R. B. Pandit Ram Chand Kak : Your question is "was any such consideration made".

Lala Amar Nath Kohli : "Such consideration" means any such orders passed.

R. B. Pandit Ram Chand Kak : Such consideration means "were they re-employed".

Lala Amar Nath Kohli : My question is clear.

R. B. Pandit Ram Chand Kak : My reply is equally clear.

731. Lala Amar Nath Kohli : Will the Government be pleased to inform the House as to the following (*a*) : Is it a fact that the Government is contemplating the construction of a Railway from Akhnur to Jammu?

(*b*) If the answer to (*a*) be in affirmative, is the construction to be carried on under State Authorities or through N. W. Railway ?

(*c*) If the construction is to take place through N. W. Railway will the State make it necessary for them to employ State labourers as far as possible ?

Pandit Ram Nath Sharma : (*a*) Yes.

(*b*) and (*c*) The scheme has not matured as yet. This will be decided when it matures.

732. Wazir Ganga Ram : (*a*) Will Government please state how many houses were burnt on account of the outbreak of fires in village Batkali circle Katra and village Talwara in Tehsil Reasi this year ? How many human lives and cattle were lost due to these fires ? What were the causes of the outbreak of fires ?

(*b*) Will Government please state what facilities were granted by the Government to these persons in order to

help them in the construction of their houses and purchase of cattle? If not, why?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) Three houses belonging to Lalu, Doola and Fattu Gujars of village Phagla Mohra Batkali, Katra circle, are reported to have been burnt. One human life was lost, 13 buffaloes, 10 oxen, 15 cows, 8 goats and 1 kid are also reported to have been burnt,

2 houses and one roofed pen belonging to Sukhram and Sarnun of village Talwara are reported to have been consumed by fire. No human or animal lives are reported to have been lost.

Fires at both places are reported to be quite accidental.

(*b*) The case is under consideration of the authorities.

WAZIR GANGA RAM: How long will the matter remain under consideration

K. B. RAJA MOHAMMED AFZAL KHAN: Not very long.

WAZIR GANGA RAM: Will you expedite the matter.

K. B. RAJA MOHAMMED AFZAL KHAN: Very well.

733. WAZIR GANGA RAM: Will Government please state the amount spent on Forest Enquiry Commission, Anti-Corruption Commission and Unemployment Commission and how much further amount is expected to be spent on these in future? When will the first two Commissions terminate their proceedings?

R. B. PANDIT RAM CHAND KAK: The amount of money spent in connection with the Commissions is as given below:—

Forest Enquiry Commission	...	Rs.	3,822	8	3
Anti-Corruption ,,	...	,,	9,514	13	0
Unemployment ,,	...	,,	4,690	6	9

The Anti-Corruption Commission has completed its enquiry and its report will shortly be ready and made available. The Forest Enquiry Commission has not yet finished its work and it is difficult for Government to state definitely when it will finish its work.

734. WAZIR GANGA RAM: Do Government know that from Tehsil Ramban upto Tehsil Reasi there are hilly and Kandi Illaqas on either side of the Chenab river where excepting "Chil" no other timber is found and zamindars are compelled to use chil for constructing their houses which wears out within a period of eight or ten years on account of being eaten away by white ants and consequently the zamindars have to construct new houses after every eight or ten years?

Are Government prepared to open depots of drifted wood of Deodar variety at certain places on either side of

river Chenab annually for the sake of poor zamindars so that their constant difficulty may be removed?

K. B. Raja Mohammed Afzal Khan: No. It is not possible to open depots for drift wood of deodar from Ramban to Reasi as the river is too narrow to admit of landing timber etc. satisfactorily, nor can drift wood get stranded there by reason of the current being swift.

735. Wazir Ganga Ram: (*a*) Will Government please state the number of the newspapers in the State at present?

(*b*) Which papers have been included in the White List and which in the Black List.

(*c*) What are the reasons of their having been brought on White and Black Lists?

R. B. Pandit Ram Chand Kak: (*a*) 23.

(*b*) and (*c*) Newspapers are now classified into groups and the concessions that Government are prepared to allow to each group have been laid down for official use. The classification is periodically revised. Both the lists in each group and the reasons for assigning a newspaper to a particular group are confidential.

736. Wazir Ganga Ram: Will Government please state the amount of sanitary fund realized in both the provinces of Jammu and Kashmir last year?

What amount was spent on the improvement of villages in each province and what benefits accrued to the villagers?

K. B. Raja Mohammed Afzal Khan: (*a*) Rs. 48,000 have been realized in Kashmir and Rs. 33,000 in Jammu Province.

(*b*) *Part 1st.*— Rs. 41,000 in Kashmir and Rs. 14,500 in Jammu have been spent on sanitary improvements and supply of drinking water. Some of the places benefited are frequented by visitors.

Part 2nd.—The villagers get benefit directly, and indirectly, by increase in trade and employment by visitors.

Wazir Ganga Ram: Is the sanitation tax which is realized from the zamindars intended to be spent on the zamindars or for providing facilities to visitors?

K. B. Raja Mohammed Afzal Khan: Yes, for the benefit of the zamindars.

Mirza Mohammed Afzal Beg: That is a logic of the Government.

Wazir Ganga Ram: Will those places be mentioned where this sum has been spent in the interests of the zamindars.

K. B. Raja Mohammed Afzal Khan: I don't exactly remember. At any rate facilities have been provided with

the help of that money at Batote, Phalgam, Gulmarg and to some extent at Anantnag.

MIRZA MOHAMMED AFZAL BEG : No ; not in Anantnag ; nothing has been done there.

K. B. RAJA MOHAMMED AFZAL KHAN : In my opinion the zamindars of Anantnag have also profited by it.

MIRZA MOHAMMED AFZAL BEG : No, the scheme might be under contemplation.

737. SHEIKH MOHAMMED AMIN : Are Government aware of the fact that it is the demand of the labourers and work-men that in future all work pertaining to P. W. D. may be done on daily wages.

If the reply be in the affirmative, will Government make it a rule in future, and accept this humble request of the labour ?

PANDIT RAM NATH SHARMA : This Department does not know anything about it.

It is immaterial for the labour whether the Department does the work itself or through contractor's agency, as in both the cases it is the local labour that has to be engaged by the Department or the contractor

738. SHEIKH MOHAMMED AMIN : Is it a fact that the electric charges in the State are higher than that of any big city in the Punjab ?

If the reply be in the affirmative, will Government oblige the public by making a reduction of at least 25 per cent. in the rate charged at present ?

PANDIT RAM NATH SHARMA : Yes.

The question of reducing the rates is already under consideration of the Government.

739. SHEIKH MOHAMMED AMIN : Is it a fact that 0-2-0 per day per rupee is charged from those consumers of electricity in the State who pay their electric fees after-date but no discount is allowed to those who pay their dues in time ; whereas everywhere in British India a discount is allowed to those who pay their dues in time and those who make after date payment are deprived of discount only and no fine is imposed upon them ?

If reply to above question be in the affirmative will Government adopt this rule in the State and do away with this improper mode of imposing fine ?

PANDIT RAM NATH SHARMA : Kindly refer to reply given against question No. 455 of last Assembly Session.

The hon'ble member is misinformed that discount is not allowed everywhere in British India as stated by the hon'ble member.

740. SHEIKH MOHAMMED AMIN: Will the Hon'ble Home Minister please supply the following figures for the information of the House:—(*a*) How much depreciation has been allowed to Mohora, Srinagar and Jammu Power House?

(*b*) How much interest has been realized on the investment of Mohora, Srinagar and Jammu Power Houses?

(*c*) What has been the profit of the Power Houses of both the provinces after making an allowance for interest and depreciation?

PANDIT RAM NATH SHARMA: (*a*) Kashmir Hydro-Electric Installation—Rs. 42,549 in 1992-93.

Jammu Hydro-Electric Installation—Rs. 15,850 in 1992-93

(*b*) No interest was realized on these investments, but since 1991-92, however, interest at 3¼ per cent. as below is being shown in the Profit and Loss sheets submitted with the annual Administration Reports:—

		Kashmir Hydro-electric Installation.	Jammu Hydro-electric Installation.
		Rs	Rs.
1991-92	...	1,73,675	33,327
1992-93	...	1,73,075	31,319

(*c*) The period for which information called for has not been given. The figures for last ten years are being collected and will be supplied when collected.

741. SHEIKH MOHAMMED AMIN: Is it a fact that under the Alienation of Land Act a non-agriculturist cannot purchase from the agriculturists more than four kanals of land even for building a residential house?

If the reply be in the affirmative, then it may be stated under what rule Sardar Shahmair Singh who is a non-agriculturist has purchased 327 kanals of land from the zamindars of Batote and what action the Revenue Department have taken on it? If not, why?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) Yes.

(*b*) The matter is being enquired into and the result will be intimated in due course.

SARDAR HARI SINGH: Has some case been filed?

K. B. RAJA MOHAMMED AFZAL KHAN: What? Do you

mean an enquiry can be made without the case having been

LALA SHIV NATH NANDA: You are not right; the enquiry can de oral also.

742. CHAUDRI ABDULLAH KHAN: Will Government please state the total number of forest employees in the Forest Department including high and low officials; how many of them are Muslims and how many non-Muslims? If the representation of Muslims is inadequate, will Government please state reasons therefor and make up this deficiency according to the recommendations of the Glancy Commission?

K. B. RAJA MOHAMMED AFZAL KHAN:

	Muslims.	Non-Muslims.	Total.	Vacancies.	Sanctioned cadre.
Gazetted ...	5	28	33	2	35
Rangers ...	23	67	90	.....	90
Foresters ...	49	148	197	.....	197
F. Guards ..	295	702	997	9	1006
Game Jamadars.	1	.....	1	.....	1
Watchers ...	9	.....	9	.....	9
Clerks ...	9	123	132	.....	132
Menials ...	36	81	117	2	119
Total ...	427	1149	1576	13	1589

The deficiency of Muslims is being made up gradually.

CHAUDRI ABDULLAH KHAN: What steps have been taken to make up the deficiency?

K. B. RAJA MOHAMMED AFZAL KHAN: They are being gradually recruited into services.

CHAUDRI ABDULLAH KHAN: Will then, a Mohammadan be appointed whenever there is a vacancy.

K. B. RAJA MOHAMMED AFZAL KHAN: It is not necessary.

MIRZA MOHAMMED AFZAL BEG: For the time being this seems like that.

743. CHAUDRI ABDULLAH KHAN: Will Government please state the total number of Hindi schools in Jammu Province and the number of Hindi and Arabic teachers in all the Primary schools, including other schools? If there be a disproportionate representation of the Arabic teachers with regard to the population, then will Government explain

reasons therefor and make arrangement for the increase of Arabic teachers to make up this deficiency?

PANDIT RAM NATH SHARMA: There is no school exclusively meant for teaching Hindi. Arabic is not taught in Primary schools but Urdu teachers have been provided for these schools. The following statement will show the number of Hindi, Urdu and Arabic teachers in different kinds of schools:—

Hindi and Sanskrit	... 137
Arabic and Persian in High and Middle schools	... 137
Urdu	... 185

The distribution is fair. Appointments of Hindi, Urdu and Arabic teachers are made according to the requirements of schools and not on population basis.

744. MALIK GHULAM HUSSAIN: (*a*) Is it a fact that there is a road lying between Kulgam and Verinag?

(*b*) Is it also a fact that this road is in a very wretched condition whereby the people are put to a great inconvenience?

(*c*) If the reply be in the affirmative, then, will Government remove this inconvenience of the public by getting this repaired?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) Yes.

(*b*) No, the condition of the Road is normal.

(*c*) Does not arise.

745. MALIK GHULAM HUSSAIN: (*a*) Is it a fact that the zamindars of *Illaqa* Zainapura, Tehsil Kulgam, requested for taking out water from Nullah Gurumtw for irrigation purposes?

(*b*) Is it also a fact that the said file is pending in the Revenue Department for the last 8 years and no action has been taken with regard to this request of the zamindars?

(*c*) If the reply be in the affirmative, then, will Government very kindly accede to this request of the zamindars very soon?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) Yes.

(*b*) A proposal for a contour survey of the scheme to train the Nallas for irrigation purposes was received only in 1936 and referred to the Public Works Department.

(*c*) An estimate amounting to Rs. 1251 for purpose of survey and alignment has been sanctioned and the work will be taken up as soon as funds are found available for it.

746. MALIK GHULAM HUSSAIN: (*a*) Is it a fact that *Shamilat* area has not been granted so far to Rakh Maman, Danjipura Tehsil Kulgam, under the Raj Tilak Proclamation?

(*b*) If the reply be in the affirmative, then, it may be stated how much area was granted by way of *Shamilat* ?

(*c*) If the reply be in the negative, then reasons may be stated? It may also be stated when this proclamation will be enforced in this village ?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) Yes.

(*b*) Does not arise.

(*c*) Maman Danjipura being a State rukh, *Nautors* are prohibited there.

747. MALIK GHULAM HUSSAIN: (*a*) Is it a fact that the Kuhl of village Dargodar, Tehsil Kulgam is in a wretched condition ?

(*b*) Is it also a fact that for want of sufficient water the paddy of the zamindars remains unripe ?

(*c*) If reply be in the affirmative, then, will Government by repairing this Kuhl remove this difficulty of the zamindars ?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) No.

(*b*) There was some difficulty in water supply experienced by certian zamindars, but with the help of the Revenue officials on the spot, satisfactory arrangement was made for them, in time.

(*c*) Does not arise.

748. MALIK GHULAM HUSSAIN: (*a*) Is it a fact that when Mirza Mohammed Afzal Beg's "Town Area Amendment Bill" was introduced in the last Srinagar Session of the Praja Sabha the then Hon'ble Revenue Minister in his speech stated that agricultural villages shall be excluded from the Town Area Committees ?

(*b*) Is it also a fact that the former Revenue Minister had issued orders for excluding the agricultural villages from the Town Area limits ?

(*c*) If the reply be in the affirmative, then it may please be stated whether these orders were complied with ? If orders have been complied with, then the names of villages that have been excluded may be stated ?

(*d*) If this order has not been enforced so far, then reasons therefor may be stated ?

(*e*) It may also be stated when the above mentioned order was issued from the Hon'ble Revenue Minister's Office, and on what date was it enforced ?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) Yes.

(*b*) Orders were issued to Provincial Governors to submit proposals within four months after examining the constitution of Town Areas within their respective provinces with a view to retain or exclude agricultural villages from

Town Area limits. Governors from whom the proposals are still awaited have been asked to expedite.

(*c*) Does not arise.

(*d*) *1st part.*—In November last.

2nd part. Reply given in (*b*) above.

MIRZA MOHAMMED AFZAL BEG: Does not the Hon'ble Revenue Minister see that when the answer to part (*a*) of this question is in the affirmative, the orders referred to in part (*b*) of the reply are inconsistent with the orders of his predecessor ?

K. B. RAJA MOHAMMED AFZAL KHAN: What do you mean thereby ? Do you mean that agricultural villages have been excluded without making any enquiry.

MIRZA MOHAMMED AFZAL BEG: Part (*a*) of the question is in reference to my Town Area Amendment Bill wherein it has been stated that the previous Revenue Minister had stated in the House that agricultural villages shall be excluded from the Town Area Committees. The reply to this part of the question is in affirmative, but it appears from part (*b*) of the reply that the matter is still under consideration.

K. B. RAJA MOHAMMED AFZAL KHAN: The answer has been given that when agricultural villages are excluded from Town Area Committees, then, this will be done.

MIRZA MOHAMMED AFZAL BEG: According to the undertaking given by the previous Revenue Minister, agricultural villages must be excluded from the Town Area Committees and there is no question of discretion now.

K. B. RAJA MOHAMMED AFZAL KHAN: I say that if it is proved after enquiry that those villages can be excluded, then, they will be excluded. The matter is being looked into.

MIRZA MOHAMMED AFZAL BEG: You said that the Governors have been ordered to enquire into the matter and furnish report within four months. But has not the enquiry been finished. I want to know what action will be taken against the Governors for not complying with the orders because since they have not finished the work in four months they may not finish work even in nine months.

K. B. RAJA MOHAMMED AFZAL KHAN: Then do you mean that they should be punished for not finishing the work in time.

MIRZA MOHAMMED AFZAL BEG: Just as it may be fit.

K. B. RAJA MOHAMMED AFZAL KHAN: They have so many other works to look to.

They have been asked to expedite the report. Soon as the report is received the necessary orders will be issued.

MIRZA MOHAMMED AFZAL BEG: Will action be taken very soon? Will they expedite the matter?

K. B. RAJA MOHAMMED AFZAL KHAN: Yes, enquiry is being made and the matter regarding Anantnag, Sopore and other places is under consideration.

749. BAKHSHI MOTI RAM: Will the Government please state as to what is the maximum number of the candidates which can be nominated at a time for Naib-Tehsildarship, according to the prescribed rules and what is the number of such candidates at present? If the number of the candidates existing on the list is more than the prescribed number, what are the reasons therefor?

K. B. RAJA MOHAMMED AFZAL KHAN: *Part 1st.*—The rules provide that the number of such Naib Tehsildari candidates who have their names borne on the List and have received permanent appointment under the State shall not at any time exceed 20.

Part 2nd.—The present number of Naib Tahsildari candidates is 31. Out of these candidates eight hold permanent appointments in the State. There are thus only 3 candidates in excess of the prescribed number.

Part 3rd.—The Praja Sabha Sad is referred to reply to part 2nd of Question No. 575 given in the Praja Sabha Session of 1935.

750. BAKHSHI MOTI RAM: (*a*) Is the Government prepared to publish a seniority list of the approved candidates for the Naib-Tehsildarship? If not why?

(*b*) Will Government please state which of these candidates, have passed the Departmental Examinations and when?

K. B. RAJA MOHAMMED AFZAL KHAN: (*a*) The Seniority List of candidates for non-Gazetted posts is not ordinarily published in the Government Gazette.

(*b*) The following candidates have passed the Departmental Examination in the years as noted against each:—

(1) Thakur Sahdev Singh	...	Passed Tehsildari Examination in 1937.
(2) Mr. Thakur Das Mahyal	...	Passed Tehsildari Examination in 1935.

(3) Pandit Shambu Nath Koul	...	Passed Naib-Tehsildari Examination in 1934.
(4) Mirza Zaffar Ahmed	...	Passed Naib-Tehsildari Examination in 1935.
(5) Pandit Janki Nath, B. Sc.	...	Passed Tehsildari Examination this year.
(6) Pandit Kidar Nath, Bhakhari B. A.		Passed Naib-Tehsildari Examination this year.
(7) Mr. Abdul Majid	...	Do.
(8) Raja Haq Niwaz Khan	...	Do
(9) Chaudhari Mir Zeman	...	Do.

751. BAKHSHI MOTI RAM: (*a*) Is it a fact that in Bhadon 1992, the State Council passed a resolution to the effect that those officers of the State who have not passed the Departmental Examinations should do so within two years, failing which they shall be removed or degraded from their present positions? Are the Government prepared to publish that resolution for the information of the public? If not why?

(*b*) Will the Government please state which of the Wazir Wazarats, Revenue Assistants, Tehsildars and Naib-Tehsildars have not passed the Departmental Examinations and why they have not been degraded or discharged from service according to the terms of the resolution especially when a large number of fully qualified candidates are available. Does not the continuance of such policy besides, impairing the efficiency of the administration of the State, encourage inefficiency?

R. B. PANDIT RAM CHAND KAK: (*a*) Rules were sanctioned under order No. 635 of 1935 for candidates who are required to pass Departmental examinations. There will be no objection to publish the order if it has not already been published.

(*b*) The list with explanation is attached.

Wazirs Wazarat.

1. Rajkumar Padamdev Singh Ji.
2. Rao Rattan Singh.
3. Sardar Mohammad Akram Khan.
4. Khwaja Mohammad Maqbul.
5. Pandit Baghu Nath Mattu.

Revenue Assistants.

6. M. Siraj-ud-Din.
7. Raja Mohammad Sarwar Khan.

Tehsildars.

8. Thakur Rugh Nath Singh.
9. Pandit Jai Gopal.
10. M. Barkat Ali.

Naib-Tehsildars.

11. Syed Zulfkar Ali Naseem.
12. Pandit Amir Chand Sharma.
13. Chaudhri Brij Singh.
14. Mr. Om Prakash.
15. Mufti Rashid-ud-din.

Nos. 1, 2, 3, 6, 8, 9 and 10 have been exempted from passing the Departmental Examination under the rules sanctioned under Council Order No. 635 dated 22nd August 1935. Nos. 4 and 5 have been served with a notice to pass the Departmental Examination within a period of 2 years from the date of their appointment as Wazirs Wazarat. Nos. 11 to 14 have been asked to show cause why they should not be removed from service for their failure to pass the Departmental Examination within the prescribed period. No. 15 is being served with a notice to pass the Examination within the prescribed period.

Part 2nd—Does not arise.

752. BAKHSHI MOTI RAM: Is it a fact that the Government has under consideration the question of granting the extension in the service in favour of two Revenue Assistants who will reach the age of superannuation this year although, out of these, one has not passed the Departmental Exami-

nation and the other is a non State-subject? If the reply be in the affirmative, what are the reasons for this when the State subject youngmen are wandering and the candidates who have passed the Departmental Examination are not provided?

K. B RAJA MOHAMMED AFZAL KHAN: *Part 1st.*—No extension has been granted in the services of any Revenue Assistant attaining the age of superannuation this year.

Part 2nd. Does not arise.

753. CHAUDRI ABDULLA KHAN: Will Government please state: (*a*) Since how long has the ninth class been started in the Ranbirsinghpura School and what is the total number of students therein?

(*b*) What is the number of students in each Middle Schools of Chakrohi, Molochak, Arnia and Bishna and at what distance from Ranbirsinghpura Town is each of the schools situated?

(*c*) In view of the above quoted references is it not considered necessary to start a High School in the above mentioned town?

PANDIT RAM NATH SHARMA: (*a*) Since 1991 number on roll: 482.

(*b*) :—

Name of School.		No. on Roll.	Distance.
Chakrohi	...	219	9 miles.
Molochak	...	95	7 ,,
Arnia	...	154	10 ,,
Bishnah	...	178	8 ,,

(*c*) The suggestion will be considered when the future policy of the Government for the expansion of secondary education is settled. The general question of policy is already receiving attention.

CHAUDRI ABDULLA KHAN: What do you mean by "future"?

PANDIT RAM NATH SHARMA: The Standing Committee will first send its report to the Government stating places where the schools are to be opened and then the budget will be adjusted accordingly.

754. CHAUDRI ABDULLAH KHAN: (*a*) Will Government please state as to what are the necessary qualifications for a man to stand in the election for the Assembly? Are these

qualifications equally necessary for every member in each community and tribe or is there some distinction?

(*b*) If the representation is based on communities, will it please be stated as to why the Bakarwal community, inspite of paying sufficient taxes is deprived of this representation?

(*c*) Will Government please remove this defect in the coming election of the Praja Sabha? If not, why?

PANDIT RAM CHAND KAK: (*a*) The attention of the member is drawn to Rule 1 of Part IV of Electoral Regulation No. XIV of 1990.

(*b*) and (*c*) The attention of the member is drawn to the answer to Q. D. No. 164 given on 30th September 1937.

755. CHAUDRI ABDULLAH KHAN: Is it a fact that the Bakarwal community belongs to the Agricultural class?

Is it also a fact that they on account of their cattle and for want of residential houses are forced to wander in jungles which the Government considers to be a drawback in them?

If the reply be in the affirmative, will Government grant them land for cultivation and for residential purposes at different places? If not, why not?

K. B. RAJA MOHAMMED AFZAL KHAN: *1st Part.*—No. They are nomad graziers.

2nd Part.- As they depend solely on their flocks of sheep and goats, they have in their own interests to lead a life like that. The question of drawback does not arise.

756. CHAUDRI ABDULLAH KHAN: Will Government please state the difference between Bakarwal and Gadi communities that has been brought to the notice of the Government? Is this difference based on profession or on communal grounds or something else?

K. B. RAJA MOHAMMED AFZAL KHAN: Gaddi is a distinct caste. The community belongs to and resides in the State, whereas the term "Bakarwal" means and includes all persons dependent wholly upon sheep and goats. Bakarwals mostly belong to Kaghan and other *Illaqas* adjoining it. They do not belong to the State. They are nomads while Gaddis are not. Gaddis own lands in the State while generally Bakarwals do not own land in the State.

MR. PRESIDENT (The Hon'ble Mr Justice K. L Kichlu): The reply to the question No. 675 of Lala Hans Raj was not ready on 31st March. It will be read out now.

NOTE—The reply was read by Mr. Ashai on behalf of the Hon'ble Hazur Minister.

675. LALA HANS RAJ : (*a*) Will the Government please state if a written complaint was sent in by the local Agents to the effect that the contractor for 1991-1992 for supply of uniforms for Chowkidars in the Kashmir Province, *viz.* Lala Shiv Nath Nanda did not purchase the entire quantity of the specified drill cloth for the supply of which they were the only agents in the State ?

(*b*) Will the Government please state if any investigation has been made into the matter to find out the facts ?

(*c*) Has the same contractor again been given contract for supply of uniforms for 1994-95 ?

(*d*) Is it a fact that samples of materials submitted by him with his tender were first tested at the Technical Institute, Srinagar and then again at Jammu Technical Institute, Jammu and were found fully wanting in fastness of colour ?

(*e*) Is it also a fact that his tender quotations were not the lowest and that the committee appointed to examine the tenders and samples did not recommend this contractor for grant of contract ? If reply to above be in the affirmative why has he been given contract this year ?

(*f*) Is it also a fact that against the established practice this year the contractors have been allowed to use either the specified material or substitutes as they please ? If it be so, what are the reasons therefor and why definite materials could not be specified ?

KHAWAJA GHULAM AHMED ASHAI : (*a*) Yes.

(*b*) No.

(*c*) Yes.

(*d*) Yes.

(*e*) The Contractor was recommended by the D. I. some items and all the contracts were placed at the lowest rates.

(*f*) Yes. The reasons will be enquired into.

MIAN AHMED YAR : Will Government adopt such a procedure that would encourage local tailors.

KHAWAJA GHULAM AHMED ASHAI : If they are prepared to work on less pay, then, they can be given this work.

SH. ABDUL HAMID : Was this contract given to S. N. Nanda or to S. N. Nanda and Company ?

KHAWAJA GHULAM AHMED ASHAI : To S. N. Nanda.

LALA SHIV NATH NANDA : If the contract was given to S. N. Nanda and Co. then, how does my name come in here.

SH. ABDUL HAMID : The question was, "was contract given to Mr. S. N. Nanda?" and the reply should have been

that no contract was given to S. N. Nanda.

LALA SHIV NATH NANDA : Do the local agents have a monopoly that the goods may be purchased from them if their supplies agree with their samples.

KHAWAJA GHULAM AHMED ASHAI : These are necessary matters. The goods which are locally manufactured can be purchased

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) : No. Lala Hans Raj will move his Bill "to Remove Unnecessary Expenditure on marriage."

PANDIT LOK NATH SHARMA : Sir, I give notice to the effect that I will oppose this resolution.

LALA HANS RAJ : Sir, my aim in moving this bill is.....

SH. ABDUL HAMID : Sir, I draw your attention to the Rules of Business and Procedure. My submission is that the bill which has been moved in the House by my learned friend is not admissible under rules. I would invite your attention to Section 28 of Regulation I of 1991 and Section 49 of Rules of Business and Procedure. The wording of Rule 28 of Rules of Business and Procedure are :—

"After the member who moves has spoken, other members may speak to the motion in such order as the President may call upon them. If any member who is called upon does not speak, he shall not be entitled, except by the permission of the President to speak to the motion at any later stage of the debate.

2. Except in the exercise of a right of reply or as otherwise provided by the rules or the standing orders, no member shall speak more than once to any motion, except with the permission of the President for the purpose of making a personal explanation, but in that case no debateable matter may be brought forward.

3. A member who has moved a motion may speak again by way of reply, and if the motion is moved by a non-official member, the Minister to whose department the matter relates or an official member nominated by him shall have the right of speaking (whether he has previously spoken in the debate or not) after the mover has replied :

Provided that nothing in this paragraph shall be deemed to give any right of reply on an amendment except in the case of amendments proposed to Bills under Rule 62.

4. At the President's discretion the substance of any speech may immediately after its delivery be given in English or Urdu by an official translator, according as the speech has been delivered in Urdu or in English.

5. The President may in all cases address the Assembly before putting a question to the vote."

Besides it is laid down in Rule 49 of Rules of Business and Procedure:

"(1) Any member, other than a Minister desiring to move for leave to introduce a Bill shall give notice of his intention, and shall, together with the notice, submit a copy of the Bill and a full statement of Objects and Reasons.

(2) If the Bill is a bill which under Section 28 of the Regulation requires sanction, the members who in accordance with section 28 have agreed to the Bill shall affix their consent in writing and the member-in-charge shall annex to the notice a copy of such sanction, and the notice shall not be valid until this requirement is complied with.

(3) The period of notice of a motion for leave to introduce a Bill under this rule shall be fifteen days."

There are three very important matters.

The first is that whenever such a bill is introduced in the house it should bear the signatures of all the members of different communities. The Bill would have been admissible in the House only if all the members had signed the bill and given their consent to it. But Lala Hans Raj did not do so. This was the first stage necessary for the introduction of the Bill. The second stage you might know, Sir, was that before introducing the Bill in the House the Hon'ble member should have obtained the previous sanction of His Highness the Maharaja Bahadur. But he did not do so. The third point is that when such a bill is to be introduced in the House it should have received the permission of His Highness and should bear signatures of at least two-third members of the House. So far as we are able to understand it, the Bill affects both the Customary and the Personal Law. Even if we leave alone Personal law, the Bill does affect the religious rites and practices of different communities on marriage and funeral occasions. I want to draw the attention of the learned members of the House to the fact that under the section which I have just quoted the Bill cannot be discussed in the House and consequently permission to move such a bill should not be granted.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Do you refer to any particular community or do you want that it should have the consent of two-third members of the communities comprising the House.

SH ABDUL HAMID: My submission is that if the bill

affects some particular community then, it is necessary to obtain the consent of the members of that community alone. But if the Bill affects all communities uniformly, then, it should bear the signatures of two-third members of the entire House. The Bill which has been introduced in the House affects all communities, therefore it is necessary that it should bear the consent of them all. It could never have been the intention of the Rules of Business and Procedure that if a bill affects a certain community, then it should have the consent of two-third members of that community and when it affects all communities, nobody may be asked about it. The question is whether the bill affects the members of many communities. From a study of the Bill it would appear that it does not affect any single community but all the communities residing within the State. Therefore so long as two-third members of the House do not unanimously sign the bill, and so long as it is not sanctioned by His Highness it cannot be discussed in the House. Since this Bill refers to the problems of life and death therefore the objection which should be raised in the first stage of the Bill have been raised here. If permission is granted to discuss the Bill in the House and later if I find it necessary to oppose the Bill, I would speak on it in detail.

LALA HANS RAJ: My friend has remarked that my "Bill" is "Wahayat" (nonsensical) (Laughter).

SH. ABDUL HAMID: I did not use the word "Wahayat"

LALA HANS RAJ: You meant it. Before I answer the other points raised by my friend I would say that section 28 which he has quoted is, I think, in my favour rather than against me.

SH. ABDUL HAMID: How is this section in your favour You have dropped out certain words from it.

LALA HANS RAJ: You have no right to speak now. I am speaking so slowly that you can follow every word. If, unfortunately, anybody does not want to pay attention to this Bill which is meant for the uplift of the poor, then that is a different matter. We should not make this House a place for fun.

This section shows that if a bill affects the religious rights of any community, then, of course, it is necessary that it should bear the signatures of members and should have the permission of His Highness. But I have moved this Bill with a view to curtailing unnecessary expenditure of Hindus and Muslims on marriage and funeral ceremonies.

VOICES : You have not included the Sikhs.

LALA HANS RAJ : I did not consider Sikhs as a separate community. Here we have two communities the Hindus and the Muslims (Laughter).

It is sad ; very sad, that I am ridiculed without reason. I feel that there are certain members in the House who have determined to see that none of my schemes succeeds. Probably they think that I will get confused with their unnecessary interruptions, but they cannot confuse me.

VOICES : Yes, certainly, you are a veteran soldier.

LALA HANS RAJ : "Such wisdom is folly." (Laughter).

I will submit that if the representatives of the different communities, who have the welfare of the community at heart, think that this bill will interfere with their religious rights, I will certainly withdraw it But what I submit is that this bill is not adverse to any religion or community, but it has been introduced here after discussing it with the members of different communities All communities of our country are now agreed that the expenditure on marriage and funeral occasions should be reduced. In the various districts of the State I founded committees and Sabhas and through them the various communities have adopted plans for reforming these evil customs and practices. They have been doing this work for many years. Similarly work is going on in the other districts and I have been trying for this since 1928.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): You confine your speech to the main issue.

LALA HANS RAJ : I am submitting that this bill is not at all against any religious tenents, rights, customs and practices of any community. My friends state that this bill is against their accepted beliefs. Under these circumstances I am justified in saying that these people are the sworn enemies of their country. Speaking very briefly I would point out that the purpose of the Bill is not what they have taken it to be.

I would respectfully submit to them to consider, in the name of God, the chief aim of the bill. I would want you to have pity on the lot of those who run deep into debt because they become extravagant in their expenditure on a few auspicious occasions. Mr Abdul Hamid has raised an objection. I would ask him to cooly consider the matter once again. They have not understood the matter. Of course if they, purposely do not want to consider the matter it is something different.

VOICES : Lala Sahib, sit down now and let the Hon'ble President give his ruling.

LALA HANS RAJ : Now I place the matter before you and request you to decide whether the objection raised by Mr. Abdul Hamid is right or not ?

SHEIKH ABDUL HAMID : Sir, very briefly I draw your attention to Section 3 of the bill. The learned mover of the Resolution said that this bill does not concern any Panchayat or Sabha and has not been moved on that account. I will rather submit that my friend's bill relates to the everyday customs and rites of the people as is pretty clear from the wordings of clause 3 of the bill. If he did not introduce this bill under the influence of any particular customs of a particular place or community, then he should have stated that specifically in the bill itself. But since he himself admits that this bill refers to the Hindus and Muslims in general, it affects the religious rites and practices of different communities. Therefore, under Section 8 no such bill can be discussed in the House so long as it has not been allowed by His Highness and does not bear the signatures of at least two-third members of the House.

LALA HANS RAJ : My submission is that it is not my personal opinion that this bill should be passed but I have elicited the support of lakhs of Hindus and Muslims for this bill. Everybody desires that such a law should be enacted so that they may be saved from degradation and poverty. Nobody will have any objection, if the expenditure on the extravagant ceremonies is stopped with the help of Law. I am prepared to prove that the country wants that such a legislation is necessary.

Ruling.—A point of order has been raised that the "Bils to prevent unnecessary Expenditure on Funeral Ceremoniey in the Jammu and Kashmir" sought to be introduced bn L. Hans Raj has not been brought with the consent ill writing of not less than two thirds of the members of the Assembly from the community affected thereby and that sanction of His Highness the Maharaja Bahadur which was necessary to be obtained under Section 28 of Regulation No. 1 of 1991 has not been obtained. The mover urges that the bill is not for the benefit of any particular community but would apply to both the major communities of the State and as such sanction of His Highness or the consent in writing of not less than two thirds of the members of the Assembly was not necessary.

A reference to the statement of objects and reasons of the bill shows that the Hon'ble mover wants to get this

measure passed as the people are acting against the injunctions of Shastras and Shariat and therefore seeks to provide for that purpose. This clearly shows that according to the Hon'ble mover himself the provisions of the proposed bill will affect both Shastras and Shariat and as such for the introduction of a measure of this kind, sanctionof His Highness and the consent in writing of not less than two thirds of the members of the communities affected thereby were necessary. As the Hon'ble mover has failed to obtain the necessary sanction and the consent in writing of the members of both the communities, the point is well taken. The bill cannot, therefore, be considered.

Mr. President (The Hon'ble Mr. Justice K. L. Kichlu): In the statement of Objects and Reasons of his bill, Lala Hans Raj has stated that people are acting against the Shastras and Shariat. It is, therefore, that he has brought forth his bill. The bill, as such, affects the different religious communities and should therefore be accompanied by the previous sanction of His Highness the Maharaja Bahadur as also the signatures of two-thirds of the members from the communities affected. This being the case, the bill cannot be introduced in the House (Cheers).

Lala Hans Raj will now move for leave to introduce his second bill.

Lala Hans Raj : In view of the attitude taken by the House, I withdraw my bill (Cheers).

Mr. President (The Hon'ble Mr. Justice K. L. Kichlu): Lala Shiv Nath Nanda will now move for leave to introduce his "bill to amend the Prevention of Cruelty to Animals Regulation."

Lala Shiv Nath Nanda : Sir I move for leave to introduce the Prevention of Cruelty to Animals Regulation Amendment Bill.

Pandit Ram Chand Dobey : Sir, I oppose the motion

The Hon'ble Dewan Bahadur N. Gopla Swami Ayyangar : My submission, Sir is that the Hon'ble mover can speak only if somebody objects to the leave being granted to the introduction of the Bill.

Mirza Mohammed Afzal Beg : The leader of his own group has objected.

Lala Shiv Nath Nanda : I only want to make a brief statement about this bill. I need hardly tell the Hon'ble members of this House why I felt the necessity of introducing this bill.

There is a long standing complaint that cows and bulls roaming about in streets, hit children and old men. They eat vegetables exposed for sale and run away with mouthfulls of grain from the shops of grain dealers. The result is that the shopkeepers beat them mercilessly. My Hon'ble friend Mr. Sharma said that cows and bulls roaming about in the court precincts cause heavy loss to the people and some times swallow up the stamps of the stamp vendors, The Superintendent of Ranbir Press has also reported to the Government that cows and bulls, roaming at large, cause much loss when they enter the press precincts. I also remember that Raja Mohammed Afzal Khan when once returning from the Durbar, was attacked and hurt by a cow. Perhaps he still bears the mark of the wound. He has, now, taken a vow not to allow his children to go out unless accompanied by his private servants. Besides, these cows and bulls are found lying night and day on roads in summer as well as winter. The cows give birth to calves on the road side and the owners get information afterwards when they come and carry the calves away. This is the state of affairs.

On the one hand we profess great reverence for cows and on the other we leave them at large to be beaten by the people. When they return in the evening people call them by the names "Ganga" "Jamna" come home, come (Laughter).

They are milked at this time, kept in the House for the night and are turned out in the morning to pass the day on rubbish. On a previous occasion I asked a qestion about these cows and bulls and was told by the Hon'ble Finance Minister that the Municipality had reserved an enclosure for them. I submit, Sir, that no arrangements have been made for their fodder in that enclosure, therefore they have to roam about in the streets in search of food. My Hon'ble friend Mr Dobey has opposed the bill. But I submit, Sir, that this is a very reasonable measure

The Hindus hold cow in great esteem, worhsip it and yet they disregard the behests of the Shastras. It is only recently that Mahatama Ghandi while speaking in the Haripore Gowshala said that production of cow means protection of India He also said that in the bye gone days, the Rajas considered it a privilege to be called "gopals'.

I tabled this bill in the hope that the Hon'ble Prime

Minister who bears the name "Gopal Ayyangar" must be like those people.

Sir the bill contains nothing that should have aroused opposition. All that I have proposed is that some restrictions should be imposed on those who leave their cattle at large, and they should be fined from one to ten rupees and in case of default awarded some other punishment. I would, therefore, request you, Sir, that the bill should be put to vote so that it may be introduced in the House

PANDIT R. C. DOBEY: Sir I strongly oppose L. Shiv Nath Nanda's Cruelty to Animals Regulation (Amendment) Bill. In the statement of objects and Reason of his bill, Mr. Nanda has stated that cows and bulls roam about in the bazars of Jammu and cause much inconvenience to the people especially to children. These stray animals eat vegetables and grain exposed for sale in the shops. Mr. Nanda has by way of an instance said that Raja Mohammed Afzal Khan the present Revenue Commissioner was going to office one day when he was Governor of Jammu and was hit by a stray bull on the roadside. This being the case, Mr. Nanda should have tabled a bill for the protection of human beings. There in no question of cruelty to animals in the present case. The Cattle Trespass Regulation under which stray animals are impounded and their owners punished is already in force in the State. There is an additional law for the Jammu Province to which Mr. Nanda's bill pertains. Under Council Resolution No. 3 of 19th May 1937, stray bulls are sent to rukh Utin which is under the Dharmarth Department.

There is no denying the fact that there is a large number of bulls in the Jammu city because the population is mainly Hindu. These people generally leave a calf at large at the death of a near relative. This is a religious ceremony and the Hindus deem it their duty to maintain such bulls. They are given grass to eat in open places. These bulls are allowed to roam about in the villages around or *Illaqas* as well. They eat the crops in the fields.

As this is a religious ceremony of the Hindus, I would request the Hon'ble member to withdraw the bill.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Lala Shiv Nath Nanda has moved for leave to introduce the Cruelty to Animals Regulation (Amendment) Bill.

Those who are in favour of the motion may raise their hands.

(Hands were raised).

Those who are against the motion will also raise their hands.

(Hands were raised)

The motion is carried by a majority of votes.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu) Lala Shiv Nath Nanda will now move for leave to introduce the Public Subscriptions Bill.

LALA SHIV NATH NANDA : I have once before moved for leave to introduce this bill in the Praja Sabha. If introduced in this session, it will lapse and will not be referred to a select committee. Therefore I consider it proper to withdraw the bill.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): So you do not want to waste time and will withdraw the bill

NOTE —The bill was withdrawn by the Hon'ble member.

MR. PRESIDENT (The Hon'ble Mr. Justice K. L Kichlu): Lala Shiv Nath Nanda will now move for leave to introduce the Infant Marriage Prevention Regulation (Amendment) Bill.

SH ABDUL HAMID: Sir I want to raise a point of order on this bill also. It falls under Section 28 and the Lala Sahib cannot introduce it in the House. When the law was promulgamated in the State, the Assembly had not yet been constituted. It was introduced in the Council and passed after His Highness' sanction. It affects all religious communities. The intention of the law is that no body should marry till he attains the age of twenty two, nor should any girl marry till she is sixteen.

If the bill is passed into a law, people who have crossed forty shall find it difficult to marry, bacause under this law they cannot marry virgins below twenty-five years nor can they get virgins of twenty-five years or more in age.

According to Shariah every Muslim can marry a girl of any age. Similarly the Shastras permit our Hindu brethren to marry any girl, irrespective of her age In the case of Sikhs, Buddhists and Harijans also, religion imposes no restriction in the matter of age for marriage.

The Infant Marriage Prevention Regulation was promulgated before the constitution of the Assembly. Now that the Assembly has been constituted, no member can introduce such a bill in the House without obtaining the signatures of two thirds of the members from the communities affected.

Section 28 provides "It shall not be lawful without the previous sanction of His Highness and without the consent in writing of not less than two thirds of the members of the Praja Sabha from the community affected to introduce, consider or enact any measure affecting the religious rights, usage, endowments or persoual law of any community".

The effect of this law would be that a Sanatanist widower who is above forty cannot marry for the remainder of his life because he cannot find a virgin of twenty-five, nor, being a Sanatanist, can he marry a widow.

Mr. President The Hon'ble Mr. Justice K. L. Kichlu) You are referring to the provisions of bill.

Sh. Abdul Hamid: I am advancing an argument, Sir. As it is difficult to get a virgin of twenty-five, this will amount to debarring a forty years old hand of his right to marry.

I submit, Sir that the Hon'ble member cannot move for leave to introduce this bill in the House because no restriction can be imposed on any community against its will.

Mr. President (The Hon'ble Mr. Justice K. L. Kichlu): *Ruling*: A point of order has been raised by Sh. Abdul Hamid that this bill could not be introduced by the Mover without obtaining the previous sanction of His Highness and the consent in writing of not less than two thirds of the members of the community affected thereby. A reference to the record, however, shows that on a previous occasion a Bill to amend the Infant Marriage Regulation was introduced in the Assembly without the previous sanction of His Highness or the consent in writing of the members of any community affected thereby. The objection therefore cannot prevail and the mover is accordingly permitted to move for leave for the introduction of the Bill.

Mr. President (The Hon'ble Mr. Justice K. L. Kichlu): Lala Sahib: You may move for leave to introduce the bill

Lala Hans Raj: As this is a very important bill, I hope the House will grant leave for its introduction in the House.

Sh. Abdul Hamid: Sir, I want to advance some arguments against the bill. It seeks to raise the marriageable age from eighteen to twenty two. In other words boys and girls shall be eligible for marriage only when they attain the age of twenty-two and sixteen respectively.

Mr. President (The Hon'ble Mr. Justice K. L. Kichlu):

We are yet at the introduction stage. Detail will be taken when the Hon'ble member moves for the consideration of the bill.

L. HANS RAJ: Sir, the motion may be put to vote.

MR PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): Lala Hans Raj has moved for leave to introduce the Infant Marriage Prevention Regulation (Amendment) Bill. Those who are in favour of the motion will raise their hands.

(Hands raised).

Those who are against it will also raise their hands.

(Hands raised).

MR. PRESIDENT: (The Hon'ble Mr. Justice K. L. Kichlu): The majority is against the motion.

PANDIT LOK NATH SHARMA: I claim division, Sir.

LALA HANS RAJ: Sir. before the result is announced I would iike the House to hear a verse.

SH. ABDUL HAMID: Perhaps this is the last verse, we shall hear from you. We shall therefore listen to it.

LALA HANS RAJ: The verse is.—

न जारजातस्य ललाटशृङ्गम् न सकुलीनस्य करेस्ति पद्मम् ।
यदा यदा मुञ्चति वाक्यजालम् तदा तदा सूचति जरजालम् ॥

The House divided as follows: -

NOTE.—The Hon'ble President read out to the House the following ruling :—

Ruliing :—I connection with the reply given to question No. 11 asked in the House on 16th March 1938 a point of order was raised by Mirza M. A. Beg to the following effect :—

Whether the Government were competent to prevent an elected member of the Praja Sabha who holds an office under the Government from joining any political party in or outside the Praja Sabha.

The point was made clear by the Leader of the House in his reply to the supplementary question by stating that the Government had no objection to an elected member joining any political party in the Assembly. That an elected member was free to speak or vote in the Assembly as he liked, or could join any party in the Assembly could not be disputed. In fact this was admitted by the Government as well in their order of 23rd December 1937.

The Chair would take this opportunity of assuring the Hon'ble members that it would jealously guard the rights and privileges enjoyed by them under Regulation No. I of 1991. As no encroachment is alleged to have taken place nside the House, interference by the Chair is not called ifor.

NOTE.—The Hon'ble President read out to the House the following order of His Highness the Maharaja Bahadur, both in English and in Urdu :—

"In exercise of the powers under Section 20 of Regulation No. I of 1991, we hereby prorogue the Jammu Session of the Jammu and Kashmir Praja Sabha with effect from the close of the sitting on the 2nd of April 1938."

MR. PRESIDENT (The Hon'ble Mr. Justice K. L. Kichlu): I am grateful to the Hon'ble members for their courtesy and co-operation. This being the last Session of the Praja Sabha, I would in conformity with the practice obtaining in the Parliament as well as in the Indian Assembly request the Hon'ble members to shake hands with me before they leave the Chamber.

NOTE.—All the members shook hands with the Hon'ble President one by one.

SECRETARY PRAJA SABHA : Gentlemen, before the House disperses we should raise three "Jaikaras" for His Highness the Maharaja Bahadur.

(The House shouted three "Jaikars" for His Highness and adjourned *sine die*.)

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